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SPEECH

OF

JOHN BELL, OF TENNESSEE,

ON

THE MEXICAN WAR.

DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 2 AND 3, 1848.

Mr. PRESIDENT: I believe it is in bad taste to offer any apology for addressing the Senate on the ground of feeble health, or of inadequate preparation, or for any other cause. Every gentleman is at liberty to speak or be silent, as he may determine for himself. I will, therefore, make none for the remarks I propose to submit, although they may not be characterized by much novelty. But this is a question of such unusual importance that I think some allowance may be made for gentlemen, although they may fail to offer any thing fresh or interesting after a discussion so long continued, and with such ability, on both sides of the chamber. Indeed, upon a subject presenting so wide a field for debate, and so rich and varied in its topics as the present, it must be the fault of the speaker if he can offer nothing somewhat new.

This is a question, sir, on which I could not feel justified in maintaining silence. I cannot say, with another Senator, that had this measure been permitted to pass without debate, or a division by yeas and nays, I would have been content without expressing my views upon it. I feel bound to pursue a different course for several reasons. This is a question upon which the public mind is peculiarly sensitive. The first impulse of the patriotic and reflecting part of the community, in every section of the country, is in favor of all supplies which may be demanded by the department entrusted with the direction of the military operations of the Government, when a war is flagrant. This measure bears the impress of Executive recommendation, and those who oppose it will be strictly reckoned with. The people will require sufficient reasons. By the theory of our system, our voice is not so much our own as that of the constituency we represent. I came to Washington expecting to give my support to every such measure as the present, that might be brought before the Senate; and, in doing so, I would be responding to the general sentiment of the State which I in part represent, as that sentiment existed a few months ago. I am proud to have it in my power to say of the people of that State, that they will permit no considerations of party interest or prejudice to embarrass the Government in the prosecution of an existing war, whatever objections they may have to its origin, or the motives and objects with which it is waged, unless those objects shall appear mischievous and ruinous to the country; and I do not doubt that every other Senator may boast a constituency equally patriotic. Those objects, as heretofore understood, though not approved by a large portion of them, yet, as there seemed to be no other mode of terminating the war consistently with the avowed policy of the Administration than by a vigorous prosecution of it, they were favorable to that course. But, sir, since the further development of the views of the Executive in the late message and other official documents, some of them clearly

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enough and others darkly stated and shadowed forth, I must suppose that a corresponding change in public opinion and sentiment upon this subject will follow.

Again, sir, I consider that to vote for this measure is to approve, to the fullest extent, the policy of the Administration in the further prosecution of this war. To sit in silence and to suffer it to pass without remonstrance would be an acquiescence in that policy, not in the power of those who are now silent, when hereafter the evil is upon the country, to retract or deny. They cannot say that they were not sufficiently forewarned by the Administration of what would or might be the final and momentous result of this policy.

I believe, with one or two exceptions, the entire Senate has heretofore promptly voted every supply, both of men and money, demanded by the Executive for the prosecution of this war. The Senator from Illinois, (Mr. DOUGLASS,) in his speech on yesterday, insisted that the Whigs of the Senate had suddenly changed their tactics, and are now in opposition to their former liberal course. It is my purpose, sir, to show that the Administration has changed its policy—that it is no longer what it was twelve months ago.

But, Mr. President, I must be indulged in a few other preliminary remarks before I proceed to the main purpose of my argument.

I shall not stop to discuss several of the questions which distinguished Senators seemed to think of importance, and upon which they have employed much close and cogent argument. I shall not stop to inquire whether the President, by his order to General Taylor of the 13th of January, 1846, intended to bring on a war; I shall not inquire whether Mexico or the United States committed the first act of military aggression upon disputed territory, nor shall I delay to inquire whether the war was constitutionally brought on. It is enough for me that it exists; that that it has received the sanction of the legislative department of the Government, whatever I may think of the notable device by which that sanction was extorted. I shall not inquire whether the war might not have been avoided, though I think it might and should. I shall not inquire whether the President was, from the first, actuated by a settled purpose of acquiring territory by conquest; nor shall I examine the circumstances connected with the origin of the war to prove that it is unjust and iniquitous. If it were so, for myself I would rather seek to cast a veil over the record, or blot it out forever. But in saying this I mean no censure upon the course of honorable Senators, or others who take a different view of the question. They doubtless have a deep and abiding conviction of the injustice of this war, and their exalted sense of duty to themselves and their country impels them to proclaim this their honest conviction. But I shall neither seek to fasten this conviction upon my own mind, nor upon that of others. For myself I choose to indulge the pleasing reflection, the illusion, if it be one, that up to this period at least no such untoward development of the tendencies of our system has occurred, as that the constituted authorities selected by the free and enlightened suffrages of the people have, in the mere wantonness of power and the unbridled lust of dominion, perpetrated so great an outrage upon a neighboring nation, and upon the rights of humanity.

Sir, I take this occasion to say that I have little sympathy for the Mexican republic or the Mexican rulers, now or at any recent period. So far as they could, by their example, they have brought opprobrium and disgrace upon the cause of free institutions, and upon the very name of republic. I have none at all for those faithless, gasconading chiefs, who have so long oppressed the masses of their countrymen with their exactions and all the evils of faction and anarchy. I can sympathize with the honest and enlightened patriots, as there are doubtless some such in Mexico, who are struggling to maintain the honor of their country, the integrity of their soil, and the existence of their nationality. I can sympathize, too, with the mass of unoffending inhabitants, the non-combatants, who are the victims of war. But, I repeat, I have no sympathy for their vain-glorious, factious chiefs, nor for any government of their founding.

I shall further avail myself of this occasion to state, that I do not hold Mexico to be altogether blameless of this war, and of all its bloody consequences; neither in its origin, nor in the conduct of it, on their part. In the revolution in Texas; in the circumstances of connivance, if not of encouragement, on the part of the Government of the United States attending that event; in the final annexation of Texas without first negotiating the consent of Mexico, she might well feel her national pride wounded—she might well, as the weaker power, conceive that she had not been dealt with in that spirit of conciliation and courtesy which the professions of amity on our part made proper. In truth, the annexation of Texas, under all the circumstances preceding and attending it, was not a very neighborly act on our part; nor do I think, without pretending to be well informed on the subject, that the character of this country was duly consulted and respected in the manner in which that act was consummated. Then Mexico had some cause of complaint against this Government. But, on the other hand, we had causes of complaint against Mexico. I need not enumerate them. I do not say there was sufficient cause of war, for that might imply that it was expedient to declare war before the collision of arms on the Rio Grande; but if the grounds of those complaints had not been removed, if Mexico had persevered in her hostile policy towards the United States, after all the usual means of conciliation and amicable adjustment, such as we have employed towards other and more powerful nations under similar circumstances, had been exhausted on our part, I cannot say that we would not have been justified in declaring war by any code of public morals or of international law recognised among civilized nations. Hence, I am not of opinion that there is any thing in the mode of bringing on this war, nor in its past conduct on our part, nor in the conduct of Mexico, which should restrain us as a just and magnanimous people, if we think it expedient to our interest, (I speak not of honor, for that has already been amply vindicated—Mexico has fully atoned, both in blood and the other calamities of war, for any violation of our honor)—I say, if we think it expedient to any of our great interests, commercial or military, I can see nothing to restrain us from claiming the rights of the conqueror to any moderate extent which those interests require; and which would be neither unreasonable nor oppressive in us to demand, nor dishonorable or ruinous to Mexico to concede as the vanquished party.

But, sir, it is a far different question how far I would go; how much more blood, how much more treasure, I would sacrifice in a war waged under present circumstances: under the recent development of the policy of the Administration, in the further prosecution of this war. The question as now presented involves not so much the consideration of what we may honorably and rightfully do in reference to Mexico as the vanquished party in a war of which she cannot claim to be blameless, as of other questions and consequences deeply and vitally affecting the Union, and the policy and principles of our own Government.

I beg, Mr. President, to be indulged in a few other preliminary remarks which now occur to me as appropriate to the subject. When I said that I would not discuss certain questions in regard to the propriety of this war, its justice or injustice, I beg leave to explain that I would feel that I had a perfect right to do otherwise if I thought the interests of the country demanded such a course. I have had, sir, a pretty large experience in public life, but have not as yet disciplined myself into perfect indifference or callousness as to what may be said, whether in this body or out of it, in regard to the motives which control my own course, or that of those with whom I am associated. The remarks which I am about to offer are prompted by the continued denunciations which I meet with in some of the public journals of the day. I hold, sir, for one, that gentlemen who believe this war to be unjust and iniquitous, or, whether just or unjust, that the further prosecution of it is likely to inflict upon the country greater evils than can be compensated by all the territorial acquisitions which the courage and resources of the country may achieve, have a perfect right to arraign the authors of it at the bar of

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public opinion, and to thwart them by all the means of speech, writing, and voting which the constitution warrants. I hold, sir, that to deny to them the exercise of this privilege by law would be an act of despotism under legal forms; and to seek to forestall the exercise of this privilege by intimidation and the influence of official denunciation, by charging those who avail themselves of this privilege as the allies of the public enemy and their auxiliaries in the war, is an attempt at moral despotism, only to be excused as an emanation of excessive and over-heated zeal, in which neither the judgment nor a proper regard for the institutions of freedom have had much to do.

Why, sir, after Mexico shall have fallen under our conquering arms in the south, and the British possessions in the north, let us suppose that the spirit of progressive democracy, which is becoming so rife in the land, emboldened by past success, should succeed in converting this people into a nation of propagandists, and with the aid of such fanatic givings-out as that it is destiny—that it is our mission—should actually involve us in a war with all Europe—if a large portion of the reflecting and intelligent citizens of this country should be of opinion that such a contest could have no other end than to destroy our foreign commerce, exhaust our resources, cover the ocean with pirates, afflict the world with the calamities of war, and retard instead of advancing civilization and the cause of civil liberty, would they not be recreant to their duty and traitors to their country, were they to seal their lips and view in silence the progress of such wild and extravagant schemes? Yet, sir, I dare avow that even in such a war we should find the organs of the dominant party—the recipients of Executive patronage all over the country—heralding the same charge of treason and alliance with the public enemy against those patriots who might have the courage to bare themselves to the storm.

Well, sir, if in the present war there are those who honestly believe that the real objects of it—that even those territorial acquisitions which are openly avowed as the objects of it in part—would prove an apple of discord at home, a source of dangerous domestic dissension—would be a curse rather than a blessing to the country—are their lips to be sealed for fear their voices may penetrate the council chamber of the Government of Mexico, and disincline it to a treaty? Such a result, evil as it may be, is only one of the inconveniences incident to that system of freedom which is our only guaranty for the preservation of all our liberties, and the boasted superiority of our own over all other forms of government. But, sir, should the tone of remonstrance against this war raise so high in this chamber as to penetrate every vale in Mexico, reverberate among her mountains, and rouse the whole population to a spirit of resistance to the attempt to subdue them to our domininon, there are those who believe that a greater calamity may befal this country, in the further prosecution of this war, than even such a resutt as that.

But, it is said, the war still goes on; our armies are in the field; the blood of our countrymen still flows in repeated conflicts with an obstinate and infatuated people; our detachments are cut off, and our straggling soldiers are daily pieced by the lances of the murderous guerrilleros; and will you not forbear for their sakes? Who forbear? Who should forbear? The opponents of this war? Those who believe, not that the success of our arms, but of the policy in support of which they are employed abroad, would bring defeat and disaster upon our institutions at home? And who are they who oppose this war and the policy of the President in the further prosecution of it? Are they of any one section of the Union? Do they belong exclusively to the North or to the South? Have they shunned the perils and privations of the war when called by the constituted authorities of the country to the support of her eagles? They are those who have borne their full share of the burdens of the war; they are those who have given their full proportion, both of substance and of blood, to maintain the supremacy of our arms. And what are their numbers? I verily believe that two-thirds of the people of this country are in heart opposed to the policy of this war, whatever may be their opinions six months hence; and but for the tyranny of party, the force of party obligation, and

the power of Executive influence, could they be allowed to speak—satiated with the glory already acquired, the honor of the country already amply vindicated—they would strangle this Hydra to-day. Would theirs be the voice of faction?

Who, then, I repeat, should forbear in order to spare the further effusion of blood in Mexico? The powerful array of those opposed to the war, who believe that the further prosecution of it, for the objects avowed, would be mischievous and disastrous to their own country? Or shall not the President and the advisers and the champions of his policy be called on to yield up their pride of consistency, to sacrifice their visions of national, and may be personal glory, in the projected enlargement of the boundaries of the republic, upon the altar of public harmony and of the Union? Sir, the voice of a large portion of their countrymen is opposed to their policy; they have a right to cause it to be heard through all the channels of public intelligence. It has long since penetrated the interior of the White House, and if the President and his counsellors shall disregard its warnings; if, having the power in their own hands, wielding at their will an army of more than forty thousand of the choicest troops in the world, they shall continue to prosecute this war; if our gallant fellows are still destined to fall by the hand of a defeated but still resisting foe; should the war be increased in fury and destructiveness until the plains and mountain passes of all Anahuac run blood, and still there shall be no treaty—no peace—upon whom will rest the fearful responsibility? When the day of accounting shall come—and it will come—from whom will the country demand a reckoning? From those who, reckless of human suffering and in despite of the warning voice of their own countrymen, persevere in the execution of an inexhorable and fatal policy.

Mr. President I have occupied more time in these remarks than I intended, and much more than their importance may be supposed to justify: I trust, however, they are not altogether inappropriate.

I have already stated that to pass this bill would be to approve the policy of the Administration in the further prosecution of the war. What is that policy? I desire to speak with all due courtesy and deference to the President of the United States and his friends and supporters on this floor; but I would earnestly inquire what is the real policy of the Administration in the further prosecution of the war? And with like deference to the distinguished chairman of the Committee on Military Affairs, I must be allowed to say that I have a right, not as an individual, but as a member of this body, to a somewhat more explicit expression of what he holds to be that policy than he has hitherto chosen to give us; and I inquire now what is the policy of the Administration in the further prosecution of this war? I know that one gentleman will very readily answer, it is for the purpose of "conquering an honorable peace;" and another will reply that it is for the purpose of securing "indemnity for the past and security for the future." But these are Delphic responses, mere vague generalities, noncommittals, and may be construed to mean any thing that may be done in future, provided only that some measure of indemnity is obtained.

The President is more explicit in his message. He informs us that New Mexico and California are already in our possession, and must not be given up. This is all very fair and candid, so far as it goes. But what further acquisition of territory is to be demanded of Mexico? If none, and if those provinces now in our possession would be regarded as a satisfactory indemnity, why not, in view of the uncertainty and embarrassments which lie in the way of an early termination of the war, fall back upon those provinces and hold them, and thus limit the waste of life, and spare the country the enormous expenditure which attend our present military operations in Mexico? The reply will be, Oh, we have no treaty, the war will still be open, we shall have no peace! Well, I will take gentlemen upon their own ground. Suppose that you have or may have a treaty with the Government now assembled at Queretaro, ceding California and New Mexico, would that be satisfactory to the Administration? I would be glad to hear from some honorable Senator whether such a treaty with the existing Government of Mexico

would be satisfactory, or do you want still more territory? I should be glad to hear from my friend, the Senator from Mississippi, (Mr. FOOTE,) on this subject. What more does he want than those provinces? I know that he is too candid and too courageous to withhold the expression of his sentiments.

Mr. FOOTE. I have no hesitation in answering the question proposed; but, in doing so, desire to be understood as having no authority to commit any person but myself. If a treaty can be obtained with some Government in Mexico, entitled to respect as such, which should give us the Californias and New Mexico, with a reasonable prospect of such treaty being observed on the part of Mexico, for one I should be content on the point of indemnity.

Mr. BELL. I am gratified with the bold, unhesitating reply of the Senator. It is such as I expected from him. He would be satisfied with a treaty made with the existing Government, on condition that it would bring with it present and permanent peace.

Mr. FOOTE. The Senator misconceives my meaning. It is a question of some delicacy, and one upon which I wish to be understood. It is true, as the honorable Senator says, that for the purpose of securing peace—though I do not dread the result, in case they refuse to make peace—if the Government of Mexico, at any time hereafter, or at present, turns out to be such a Government as we can rely upon, and such territory as I have spoken of be granted to us, and there be circumstances which would authorize the reasonable expectation that the peace will not be violated, I would be perfectly content.

Mr. BELL. I believe I understand the answer of the honorable Senator. I understood him as speaking the sentiments of the Administration.

Mr. FOOTE. I speak for myself.

Mr. BELL. I now understand, I trust, something of the views of the Administration. A treaty with the existing Government of Mexico, embracing a cession of such territory as he desires, would be satisfactory to the Senator from Mississippi, upon the condition that it should bring with it assurances of a permanent peace. But I desire further information. What assurance, what guaranty of peace do you demand? Do you desire a further indemnity in money? The honorable Senator near me (Mr. CASS) will say no, he scorns it. Then, what further do you want than New Mexico and California, by way of security for the future? What says the honorable chairman of the Committee on Military Affairs to this question?

Mr. CASS (in his seat) said that he might choose to answer when the Senator's argument was more fully developed.

Mr. BELL. I wish to press home the inquiry, and I say to Senators, and particularly to the distinguished chairman of the Committee on Military Affairs, will you be satisfied with the cession of New Mexico and California as an indemnity? You would; you want no more territory—no money. What more, then, do you want? If you say you would be satisfied without any thing more, then I put the question to the honorable Senator, (Mr. CASS,) when you demand indemnity for the past and security for the future, what is it you mean by "security for the future?" When a question was asked, in the progress of this discussion, of some honorable Senator on the other side of the chamber, as to the object of the Administration in the further prosecution of the war, the answer was, indemnity. The chairman of the Committee on Military Affairs, (Mr. CASS,) sitting in his place, added, "and security for the future?" Moreover, what does the message mean in declaring that the war must be prosecuted until we obtain indemnity for the past and security for the future? Will the Senator answer that the phrase "security for the future" has no distinct or substantive meaning; that it is merely an expletive, the effect of careless composition? I am sure that the able and distinguished Senator will not say so. What, then, does the honorable Senator say to the question, what is meant by "security for the future?" I will, for the present, answer for him, after I shall have stated what I understand to be the real policy of the Administra-

tion in the further prosecution of the war. From the date of the failure of Mr. Trist's negotiation, and the splendid success of Gen. Scott, the President and his advisers no longer limited their views to a treaty which should merely cede the territories of New Mexico and California, but one which should bring with it ample security for the future—security for a permanent peace. That I understood to be the policy of the Administration. I understand that no treaty with the existing Government of Mexico will be satisfactory, either to the Administration or its supporters on this floor, unless it can furnish security for the future—security for a permanent peace between the two countries.

Mr. FOOTE. Do I understand the honorable Senator as referring to me? I have already said that I would be satisfied with a treaty giving us so much territory as is comprised within the limits of New Mexico and California, if adequate security, as to the observance of the treaty on the part of Mexico, should also be obtained. I have always doubted, and still doubt, whether the adequate security could be obtained without establishing the Sierra Madre as a line of military defence, and retaining the Castle of San Juan de Ulua and other strong places in temporary occupancy.

Mr. BELL. I think I understand the views of the honorable Senator. I do not desire to misinterpret the views of the honorable Senator, or of the Administration. I take the position that the phrase "security for the future" has a substantive meaning. I suppose that the Administration can make no treaty with the existing Government of Mexico which will not be liable to be disregarded and repudiated the moment our armies are withdrawn, unless the contemplated securities be required in addition to the indemnity. Then I press the inquiry, What are the nature and extent of the "security for the future" which will be demanded of Mexico? What security of any kind can the existing Government, or the faction now in power, give that would be satisfactory? Is it a mere stipulation in the treaty for future peace and friendly commercial relations? I take it for granted that is not the nature of the security intended, as all treaties include a peace and amity clause. Is it intended to stipulate for the retention of the castle of San Juan de Ulua for a term of years or indefinitely? I cannot suppose that any such treaty is expected. Is it in contemplation to have the guaranty of any foreign Power? You are precluded from any such resort by having proclaimed that you will suffer no transatlantic Powers to obtain any additional dominion in America; and you will not give them any pretext for doing so.

Having, then, no confidence in any treaty the existing Government of Mexico can make, as a "security for the future," what is the clear and inevitable conclusion upon this view of the matter? Why that you neither expect nor desire a treaty with any existing Government in Mexico; that the Government on which you rely to make such a treaty as shall afford the security you demand, is a Government to be formed and nurtured into maturity and stability under your tuition and protection. This may be regarded as a very bold assertion; but I re-assert that this Administration neither expects nor desires a treaty with any existing Government in Mexico, and that the Government with which they propose to treat is yet to be brought into existence.

No, sir, the Administration can make no treaty with the present shadow of a Government in Mexico, ceding New Mexico and California, consistently with the determination avowed in the message of "requiring security for the future." The learned and eloquent Senator from New York, (Mr. DIX,) in a speech to which I listened with the greatest pleasure—a speech, by the by, replete with the noblest sentiments and the soundest views and maxims, in every part of which I concur, except the conclusions to which he came in relation to this war—has given the Senate some further insight into the probable extent of that security for the future which the Administration proposes to demand of Mexico. It is not only to guard against hostilities between the two Powers on any boundary which may hereafter be established by treaty, but to ensure Mexico herself from the intrusion and in-

terference of any foreign Government; to provide against any transatlantic sway over Mexico, to which the present and ever recurring factions expose her, or rather invite.

This I take to be the solution of the enigma; of the mystic phrase, "security for the future," so often repeated, and yet never explained by the advocates of the measure under discussion. The policy of the Administration is to secure such a treaty from such a government in Mexico as will afford satisfactory guaranties for a permanent peace on our own borders, and prevent any foreign Power from obtaining a foothold in Mexico; and this war is to be prolonged until a new Government is formed, under the protection of our arms, such as can give the security required. I challenge honorable Senators to say whether this is not the policy of the Administration, and I do not exclude the honorable chairman of the Committee on Military Affairs.

Sir, that this was the policy of the Administration when the message was delivered, and when the bill was introduced, I think, is clear.

There may be change in the policy of the Executive in the further prosecution of this war. The cloud which has for some time past been gathering over the Treasury, and which every day assumes a more threatening aspect, may have given birth to a modified policy. Of this I can know nothing; but one thing I do know; if a treaty is made with any existing government in Mexico embracing a cession of territory only, the responsibility of advising it will be thrown upon the Senate. It will not be advised by the President. But in saying this I mean no disparagement to the President; I mean not to impute any want of firmness or a disposition to shrink from his just responsibility. Sir, I have no rankling feeling here (pointing to his heart) that I seek to gratify. In my toilsome ascent up the hill of life, I have long since learned the folly, if not the wickedness, of indulging such feelings, the offspring of past and fierce political conflicts. My experience has taught me that the most grievous injuries a public man is liable to receive are inflicted not by political opponents. The arrows that go deepest here (Mr. B. with the hand upon his heart) are sped by friendly hands; by companions and colaborers in a common cause, and often by those we have most cherished, most served. No, sir, when I say that the President will throw upon the Senate the responsibility of advising such a treaty as I have described, I mean that he cannot do otherwise consistently with the policy avowed in the message. And if such a treaty shall be laid before the Senate, and it is reasonable in other respects, I would unite with his friends in extricating him from the embarrassment in which he is placed, believing that in so doing I would at the same time be extricating my country from the evils which impend over it. This I could cheerfully do, leaving the President in the full enjoyment of all his honors, and his reputation unimpaired.

But, Mr. President, if I have not mistaken the policy of the Administration in the further prosecution of the war, I feel warranted in maintaining that the large and enlightened class of patriotic citizens every where, who, though opposed to the policy of this war from its commencement, have yet felt it their duty heretofore to sustain the Executive in the prosecution of it, have been giving their support to a masked policy. The whole country has been deluded with the expectation and belief that it was the policy of the Executive to coerce a treaty with any existing government or phantom of a government that may exist in Mexico speedily, and that a cession of some moderate portion of territory and the settlement of unadjusted boundaries were the only terms that would be exacted from Mexico. The country has been led to suppose that whatever measure of supply might be demanded would have reference only to an early termination of the war, when in fact, consistently with the policy of the Administration as now understood, the war is to be prolonged, with all the attendant consequences of a waste of life and treasure, indefinitely, and until a government shall be built up in Mexico, and attain maturity under the protection of our arms, which can give the securities I have pointed out.

After all, sir, these may be said to be my own individual conclusions. It may be said that the policy of the Executive is still to obtain an immediate treaty with any Government in Mexico, stable or unstable, which may be willing to treat; and that the importance I have given to the words "security for the future" is gratuitous and unfounded. Well, sir, under this view of the question. I beg leave to repeat an inquiry I had before made. If New Mexico and California would be regarded as a sufficient indemnity, and nothing else is sought, why not fall back upon those territories and hold them by force? You say there will be no peace. Well, sir, when can you promise the country a peace, as the result of your present plan? But you insist that, after such sacrifices of blood and treasure; after having conquered in so many battles; after having captured so many cities and strongholds of the enemy, it would be inglorious and preposterous to abandon them without a treaty. Here, sir, we are met by that fatal argument of the "force of circumstances"—the same which impelled us into the war, and across the Rio Grande. It is the same that twelve months ago, after the battle of Monterey, and when you had already conquered more than a third of the whole of the Mexican territory, caused you to decline the policy of a defensive line recommended by Gen. Taylor, and urged by the distinguished Senator from South Carolina, who, from the beginning of this war, had the sagacity to perceive the dangers which threatened the country. The argument then was, we have gone too far to retreat; we have been too successful to abandon further operations without a treaty; we must teach the enemy a lesson; we must penetrate the interior of the country; we must carry our arms into the heart of Mexico. Well, sir, you have carried the war into the very heart of the enemy's country, and are now revelling on its vitals; and still you have no treaty, no peace. The argument founded on the force of circumstance has acquired increased weight and importance. You must now extend your operations; you call for ten thousand additional regular troops to enable you to overrun the whole country; to cause the calamities of war to be felt throughout all her borders; and you are led by the force of circumstances to pursue this "*ignis fatuus*" of peace and a treaty, which still eludes you and lures you onward into the meshes of a policy from which you can never extricate yourselves.

But you say you will extricate yourselves; that you will overrun the whole country, take all the strongholds and populous States, levy contributions, and in this way coerce a treaty; and if this experiment should fail, you announce your determination to take the full measure of indemnity into your own hands.

How long, sir, is the war to be continued in making this experiment—one, or two, or five years? The policy itself indicates that time will be an important element in carrying it out. You cannot recruit these ten new regiments and get them into the field in less than six or eight months. In less than one year, then, you can expect no result. And what will be the cost of this experiment? To maintain an army of fifty thousand men in Mexico, without having any certain data upon which to form an estimate, I hazard nothing in saying it cannot cost less than $40,000,000 per annum. Then if you should succeed in levying as much as $10,000,000 on the people of Mexico, this country will still have to supply $30,000.000. This experiment, then, should it last one year, will cost this country at least $30,000,000 for the support of the army alone, and still there may be no treaty; and you may be compelled at last to take the indemnity into your own hands, that indemnity being New Mexico and California; for it is under this version of the policy of the Administration that I am discussing the question. Well, sir, did it never strike honorable Senators who support the Executive in making this experiment that, if it should be crowned with complete success, and a treaty should be made ceding New Mexico and California to the United States, the whole cost to the country will be more than five times the value of the territory ceded? Sir, I cannot suppose that gentlemen so intelligent and as well-informed upon the subject can have failed to perceive this consequence, and how preposterous it would be to pursue such a course of policy, and for such a result.

I now proceed, in my desultory manner, to notice the arguments of honorable Senators in support of this bill, and the proceedings of the General in command in Mexico, in further confirmation of the views I have already advanced. The present policy of the Administration and its friends is exceedingly difficult and embarrassing, both to themselves and the country, and they must feel it to be so. While they must necessarily continue to keep the expectation of an early peace prominent before the country, their plan of operations on the other hand has a directly contrary tendency. While they do not mean to abandon altogether the idea of making a treaty with any government that may spring up in Mexico—for that is a resource which may become very convenient—yet their measures are adopted, and their operations conducted with reference to the more settled policy of encouraging the establishment of a government—a government under the protection of our arms—or of holding and governing the country, until by the experience of the "justice of our sway," as indicated by the honorable chairman of the Committee on Military Affairs at the close of his argument, the people of Mexico shall be disposed to make such a treaty as the honor of the country demands.

The difficulty and embarrassment of the argument in support of the measure before the Senate, under such circumstances, are manifest, and it struck me as an incident deserving notice, that the distinguished Senator who introduced the bill should avail himself of the earliest occasion to say, that he knew no more of the policy of the Administration, in the prosecution of the war, than what appears in the official documents. Yet, I regarded it as such an avowal as a gentleman of his distinction and eminence in the country might feel himself called upon to make. His position in the body is one both delicate and important; and, whatever his individual opinion may be upon some particulars of the policy adopted by the Executive department of the Government, he may feel constrained to sanction them. I can make many allowances for a gentleman occupying the delicate and important relation to the Executive which he now does, as chairman of the Committee on Military Affairs.

That distinguished Senator, in his speech on this subject, confined himself mainly to the views presented in the report of the Secretary of War; and throughout his argument the expectation of an early treaty was never lost sight of, while the reasoning employed will be seen to be based upon the idea of continued occupation of the country.

The argument first advanced in support of the measure was, that our army in Mexico was in danger. (Mr. Cass shook his head.) I find that I am mistaken. The argument then was, that contingencies may arise endangering the army. The people of Mexico who have failed to make an obstinate resistance at the commencement of the war, may be roused by a protracted invasion to a high degree of energy and courage. He announced to us that our army is in the midst of eight or ten millions of a hostile population. This is an argument which appears to me to be addressed to our fears, and the popular feeling which may be supposed to exist in such an emergency. I cannot say that it is one addressed to the reason and judgment of the Senate. I need not say that if any just grounds can be shown to exist for supposing that our army is in danger, that there is not a Senator present who would not promptly vote, not ten only, but twenty, fifty, or any number of regiments that might be demanded to ensure its safety. But what are the facts, as to the perilous condition of our army? We have now not less than forty-five thousand troops in all Mexico, and new recruits are still going forward. There are not less than thirty-two thousand men under General Scott: and this is the army said to be in danger. I desire to make a brief reference to what our troops have done, that we may infer what they will or can do. To say nothing of the preceding brilliant and unsurpasssd achievments of General Taylor, we have seen him at Buena Vista, with an army of less than five thousand men—of whom not more than six hundred were regulars, and the remainder undisciplined volunteers, who, as it has been properly said, had never before heard the report of a hostile gun—

repulse, with great slaughter, an army of twenty thousand—an army the best disciplined and best appointed that Mexico had been able to bring into the field since the beginning of the war, and withal supported by a heavy train of artillery. This he did in an open field. If the Senator from Illinois (Mr. DOUGLASS) were present, I would say that it was a very obstinate proceeding on the part of General Taylor not to be willing to be sacrificed; to be driven across the Rio Grande, and thence home in disgrace. We next see General Scott, with less than twelve thousand men, landing at Vera Cruz in the face of the enemy, attacking and compelling the surrender of the city, together with the Castle of San Juan de Ulua. In a very short time after, we see him with eight thousand troops storming the batteries of the enemy, and carrying the heights of Cerro Gordo, defended by an army twelve thousand strong. The fortification of Perote and the city of Puebla, with a population of eighty thousand inhabitants, panic stricken, fall before him without resistance. After refreshing his troops and receiving some reinforcements, we next see General Scott precipitating himself, with an army of not more than ten thousand men, upon the valley and city of Mexico, defended by thirty thousand armed men, assaulting and carrying the enemy's works at every point; and after a series of sanguinary conflicts, running through several days, with his army reduced to six thousand, capturing by main force the city itself, and triumphantly planting the banner of his country upon the so-called palace of the Montezumas. At no time during the course of these operations had General Scott more than fifteen thousand troops on his whole line, extending from Tampico to the city of Mexico. Upon this same line he has now an army of thirty-two thousand, well provided in every respect. It is under such circumstances that our army is said to be in danger. Sir, I cannot suppose that the argument upon this point is entitled to any weight whatever.

The next argument submitted in support of this measure is, that, after providing for the safety of the army, and the continued occupation of our present conquest, it is intended to extend the military operations to such other strongholds and rich and populous districts as it may be thought expedient to occupy. Very well; upon this point I regret that the distinguished chairman of the Committee on Military Affairs, who is so able, did not favor us with any estimates of the amount of force that, in his judgment, would be necessary to hold the large towns and States or districts already in our possession. I am surprised that we are furnished with no such estimates from any member of that committee, although there are several distinguished Senators on that committee who have been connected with military service. I pretend to no competency to make such an estimate. We are left pretty much to grope our way in the dark upon this point. Still some *data* we may glean from the reports of the officers of the army connected with the late splendid successes. We learn, for example, that Col. Childs held Puebla, which, by some estimates, contains a population of eighty thousand, with a force of no more than five hundred effective men, for thirty days and nights, and during a part of that time against the assaults of eight thousand troops, commanded by Santa Anna himself. Upon the line extending from Tampico to Mexico, I therefore estimate that five hundred troops will be quite a sufficient protection for Tampico; one thousand for Vera Cruz, with the addition of the marine stationed off that city; for Jalapa five hundred; as many more for Perote; the same number for Puebla, and two thousand for the city of Mexico; in all five thousand men. In this estimate I take into view that wherever our army makes its entry it disperses the army of the enemy, captures their artillery and other munitions of war, and disarms the population, leaving them no resource for further resistance. I also take into view that in whatever town or city detachments of our army are stationed, large numbers of our citizens find their way there, who, upon any sudden emergency, will be ready to perform military duty. I cannot suppose that there are at this moment, in the city of Mexico alone, less than a thousand of such auxiliaries, and if we include the teamsters and others, attached to the staff of the army, a much larger number.

Then, sir, we have it admitted that Gen. Scott's force is now not less than thirty-two thousand men, of all arms, upon his whole line, from Tampico to the city of Mexico. Of those let us suppose that some five thousand will be at all times on the sick list, or otherwise disabled, still there will remain an effective force of some twenty-seven thousand. But let it be taken for granted that the whole effective force at any one time will not exceed twenty-five thousand rank and file, you will have a force, after deducting the five thousand I have estimated as sufficient to hold your present conquests in that quarter, of twenty thousand, which can be moved in columns upon whatever other strongholds and populous districts you may think it expedient to seize and occupy, and which you announce as your present plan for coercing an early peace.

Well, sir, is not a disposable force of twenty thousand men sufficient for that purpose? When all your past conquests by Gen. Scott have been achieved by a force not exceeding fifteen thousand at all points, and now that the armies of the enemy have been dispersed, their munitions of war captured or destroyed, their financial resources exhausted, shall it be said that a force of thirty-two thousand men is not adequate for the further prosecution of the war in the interior of Mexico?

The honorable Senator, to enforce the argument in favor of the immediate adoption of the measure under debate, and in pursuance of the policy of raising a revenue in Mexico for the support of our army, informed the Senate that it was very desirable to take and occupy the rich mining States of Zacatecas and San Luis Potosi. Well, sir, this argument of the honorable Senator had scarcely escaped from his lips when, unluckily, news reached Washington that two columns or divisions of the army were now being organized, and were expected soon to march upon these important positions; and before this news grew cold, and following close upon its heels, we are put in receipt of a general order of the commanding general to the army to hold itself in readiness to overrun all Mexico. Confident in his resources and the sufficiency of the force already in the field, he makes no reference to reinforcements as expected or desired. To pursue this part of the argument a little further, let us suppose Zacatecas and San Luis Potosi are now in our possession, and that Queretaro will soon follow; if you estimate the force necessary to hold each of these States as high as two thousand, making six thousand in all, you will still have a force of fourteen thousand at your disposal, with which you can take and occupy other strongholds of the enemy, keep your communications open, and reinforce the divisions of the army at any point which may require to be strengthened.

But, sir, the main object of those extended operations of the army is declared to be to cause the pressure of the war to be felt by the whole population, to levy contributions, to seize the public revenues into our hands for the support of our army, and thus to dispose the minds of the Mexicans to a speedy termination of the war by a treaty. Well, sir, even while the argument is pressed by the honorable Senator upon this point, by another arrival of despatches from Mexico we are advised that General Scott has already, under instructions from the Government at Washington, issued an order for carrying this branch of its policy, in the further prosecution of the war, into effect. But what do we see upon looking into the order of General Scott? By a single stroke of his pen he abolishes the entire amount of transit duties and of the taxes exacted at the gates on all supplies to her city population—a branch of revenue which has heretofore yielded four and a half millions to the Government, and the one of all others felt to be the most burdensome and oppressive upon the people of Mexico! I am aware, sir, that it may be said that the revenue thus abolished may be supplied by the increased productiveness of the country, stimulated, as it will be, by this salutary exemption; that the revenues from all other sources will be augmented. I am aware, too, that, by another order of General Scott, the amount of revenue assessed upon the different States is greatly increased beyond the amount exacted under the Mexican Government. But I do not forget, at the same time, that General Scott, in pursuance of

the policy of the Government at Washington, and looking to a continued occupation of the country, has abolished other large sources of revenue. For example: lotteries are abolished, and the tobacco monopoly is to cease after this year. The proposition is, that the people of Mexico, in the further prosecution of this war, are to be made to feel its burdens, and, by the aggravated calamities brought upon them by subjecting their resources to the support of our army, to reconcile them to a treaty. But, instead of increasing their burdens, you relieve the industrial and enterprising classes of the inhabitants of a burden which, under their own Government, they held to be most oppressive. While you declare that your policy is to increase the burdens and calamities of the war, you lighten existing burdens. Instead of aggravation, your policy is one of conciliation. Instead of causing your military occupation to be felt as a grievance, you pursue a course calculated to display the beneficence of your sway. The industrial classes embrace a part of all the varities of race of which the population is compounded; some of pure Indian blood; others of the casts or mixed races, and a considerable proportion of whites, and these compose the strength of what is called the Puros, or republican party in Mexico. This is the party which your plan of raising a revenue for the support of your army tends to conciliate. Yet this is the party which, at every step of your progress, from the commencement of the war, has resolutely opposed a treaty. They declare that your military occupation, your military government, is preferable to the domination of their own factions. The withdrawal of your army is what, it is said, they most dread. They want your protection; the benefits of your free institutions, and the support of your power and resources. This, too, is the party in Mexico by the aid of which you expect to establish such a Government as can give you a treaty with the security for the future which you demand. It has been proclaimed by the semi-official organs of your own Government, that this party desire annexation to the United States. You have, then, already taken the first step in the policy indicated in the message, and in the debate upon this question, of encouraging the formation of a new Government, to be founded on truly republican principles. You are already in alliance with them; and, inasmuch you say that it is your policy, in the vigorous prosecution of the war, to enforce a speedy peace, and this Puros party is known to be opposed to a treaty, you may be said to be the allies of the public enemy. It was only this morning that I saw it announced in the semi-official organ of the Administration published in this city, that twenty-eight members of the Congress now assembling at Queretaro, of the Puros party, have protested against any treaty that may be made with the United States. Such are the inconsistencies between your avowed policy at home, and your proceedings in Mexico; inconsistencies necessarily the result of the complex and double policy which had been adopted by the Administration.

Now, sir, am I mistaken in the position that the Administration has abandoned the expectation of a treaty with any existing Government in Mexico; and that this war is to be prolonged until such a Government is established under your protection, as shall be able to give you security for the future? I shall lose the point of my argument if this is not so; and I will thankfully listen to any explanation from the honorable chairman of the Committee on Military Affairs, for I intend to build upon it.

The usual hour of adjournment having arrived, it was suggested that the Senator should defer the remainder of his remarks till to-morrow.

Mr. Bell signified that he should be glad to be so indulged.

Mr. CASS. For myself as an individual member of the Senate, I can say it will give me great pleasure to extend to the Senator the indulgence which he desires, in the state of his health, to adjourn this debate till to-morrow, in order to afford him an opportunity to finish his remarks. The honorable Senator has made two or three allusions in the course of his speech which I cannot but regard as personal to myself, and it is in reference to them I now desire to say a few words. The Senator repeatedly challenged contradiction, pausing as though he wished and expected reply. Assuming certain facts as the basis of his argument, he intimated we knew they were true; but when I arose to put the matter right at the moment the error was committed, I found the honorable Sen-

ator wished to continue his argument, with his facts, as he assumed them, till he had terminated his part of the debate. With a good deal of emphasis the Senator repeatedly asked "What do you want?" Addressing Senators on this side of the chamber, he asked "What do you demand from Mexico?" And it really seemed as if he expected one would rise and say that he wanted this, and another that he wanted that, and that the whole Senate—both sides of it, I suppose—was to be polled in this new kind of canvass, and to give their opinion and vote respecting the specific terms we ought to demand from Mexico. We are engaged in a war with a foreign nation. Its course, so far, has been prosperous and glorious, but no human being can predict its consequences, or when or how it will terminate. In this state of things it would be a most extraordinary instance of legislative imprudence if each member of this body should announce his own plan and policy, and denounce the projects of every other one. But, sir, all that a prudent Senator ought to do would be to lay down certain general principles, such, for example, as indemnity and security, amplifying his views of them as he pleased, without undertaking to specify precisely what ought or ought not to be accepted. And if the honorable gentleman had referred to some of my remarks previously made in the session, he would have discovered my views of this matter. I distinctly stated that the incipient steps of the negotiation were given to the President by the Constitution, and that, though I could not expect the gentlemen on the other side to have the same confidence in the Executive as myself and my friends on this side have, for one I was satisfied to leave them there, and to content myself with investigating the matter when it came before the Senate, and with voting aye or no upon the treaty. It was my view then, and I entertain the same sentiments now.

The Senator has made many allusions to the principle laid down by the President, and has emphatically repeated the terms, indemnity and security—security and indemnity, as though they announced some new discovery in diplomacy, and asks, in a triumphant tone, what they mean. The honorable Senator from Delaware (Mr. CLAYTON) had previously made the same inquiry, and he also seemed startled as though some new doctrine and practice were to mark our negotiations in Mexico. I will not take that honorable gentleman's witty definition, that indemnity means half and security the other half, but I will say that if indemnity means half, or whatever else it means, more or less, security means certainty and safety for its protection.

Mr. President: In the modern diplomacy of Europe, for the last three centuries, the principle of indemnity and security is as well known and enforced as any other principle of national intercommunication. There are two objects for which security may be demanded, depending upon existing circumstances. One has reference to an unstable Government and the other to an intractable hostile people; which of these seurities this Government may think it necessary to demand, or whether both, and of what nature and extent, it is not for me to determine. These questions are with the Executive. There the Constitution has placed them, and there I am willing to leave them. Does the gentleman suppose that this Government will make a treaty without some reasonable prospect of its observance, or without adopting the necessary precautions for fidelity and good faith on the part of Mexico? When the Allies entered Paris, after the fall of Napoleon, the restored dynasty found the feelings of the French nation against them, and their political condition was uncertain and tottering. The great Powers, therefore, kept military possession of Paris, and of some other portions of France, as security till the new Government could gain strength, and evince a power and disposition to comply with their engagements. I merely refer to the fact in illustration of the general principle, and not because I have the slightest knowledge of the nature of the security which the Executive means to demand. Many other cases, sir, have happened, and many more may be imagined, in which temporary possession of important positions in a country may have been or may be necessary, where a feeble Government holds the power, in order to provide against its fall, if it should fall before its engagements are fulfilled.

Again, with regard to a hostile and intractable people, it may be necessary to obtain security against their unfriendly disposition. An open indefensible country, or a river which may be crossed any where, almost from its source to its mouth, may not be regarded as affording proper security against border incursions. A range of mountains—a natural barrier may be necessary. And in connection with this topic I will remark that the resolutions of the honorable Senator from Indiana (Mr. HANNEGAN) have led me to investigate this subject more narrowly than I had done before, and I am perfectly satisfied he is right, and that the Sierra Madre would make the proper boundary between us and Mexico on that frontier; and, as one member of the Senate, I hope this boundary will be obtained. That ridge of mountains is an extraordinary one, commencing at the Gulf of Mexico and running five or six hundred miles to the Paso del Norte, and with not more than five or six passes through which man can penetrate it. The rest is an eternal, impenetrable, impassable barrier—a natural wall which laughs to scorn that of China; and beyond is the great desert, destitute of water, and across which hostile expeditions can be pushed only with great difficulty. A very small force would hermetically close these passes through the ridge, and give us full security for our indemnity on that side.

The honorable Senator said he would astonish us with some of his remarks. He has fully redeemed his promise, and I confess myself very much astonished indeed. He seems to assert as a fact, and not to deduce as a conclusion, and calls upon us to contradict it if it is not so, that the Administration does not desire a peace with the Government of Mexico.

Mr. BELL. I did not say that. I said that this Administration had no confidence in the security which any treaty with the existing Government of Mexico could give for future peace, and

therefore did not desire a peace with any existing Government unless with security, which they did not believe the Government could afford.

Mr. Cass. The gentleman seems to assume as a given fact, and beyond dispute, and bases upon it his argument, that the Government does not desire a peace. And he stated expressly, that if the fact fails, his argument fails with it. Now, sir, I never heard one word of this before. If such be the case, the gentleman has penetrated far deeper into the recesses of Executive secrets than I have done. I believe that the Administration is not only willing but desirous to make a treaty with any Government in Mexico whose authority is recognized there, and to run the risk of proper security for the maintenance of it.

Mr. Bell. What security can any Government which now exists in Mexico give?

Mr. Cass. We have not yet got to that point. No Government in Mexico has yet made a treaty; our difficulty is not in the observance of the stipulations of a treaty, but in its formation. They have utterly refused to enter into any negotiation with us. It is not that there is an unstable Government, but that the Government rejects our offers. That is the difficulty we have experienced from the commencement of the war.

Mr. Bell. The very argument I assume is, that if they should make a treaty, you would have no confidence in it, as every treaty contains a clause of amity and peace. Then I want to know whether the honorable gentleman would consider any treaty by the existing Government of Mexico, ceding the provinces of New Mexico and California, as bringing with it "security for the future," which, according to his construction, the phrase implies? And would they rely upon such a treaty as affording the security?

Mr. Cass. The gentleman asks me whether a stipulation for peace and amity would be regarded as security? Why, such a declaration alone would not be regarded as security from any unstable Government. Something more would be necessary till its position was more secure. I take it for granted that this Administration, when it makes a peace with Mexico, should its Government then appear to be unstable, would require some security for the observance of the stipulations of the peace. The general principles of security, whether against a Government or a People, I have already stated. Their application is with the Executive. As to the continuation of the war, sir, I have merely to remark that we have but one duty, and that is to push our operations as all other nations have done, and will do till an honorable peace is obtained. There is a point in all wars where national obduracy must give way, and where submission becomes cheaper than resistance. It is when the results of the war have proclaimed the impossibility of continuing the contest. This may seem harsh, but it is founded in human nature. Our true policy is to carry on the war with all our might till its objects are accomplished. Those objects ought to be just, and we believe them to be so, and our exertions ought not be relaxed by any crude notions of mistaken philanthropy. The Mexicans are like all other people. Their point of submission will be found, as that of others has been found before them. They must eat, and sow, and reap, and wear clothing, and preserve the institutions of social life; and I repeat that their injustice will give way before our exertions, if these are continued.

I state again, sir, that I have two answers to the honorable Senator from Tennessee. One is, that his case is a suppositious one, and that we have not arrived at the point when it is necessary to decide upon the security to be taken, as our offers have been utterly rejected; and the other is, that, when the time comes for determining that question, the Executive will no doubt take such security, if security be then necessary, as circumstances may require.

One word more. The honorable Senator has said that in my opening speech I said I knew no more of the policy of the Executive, than was disclosed in the documents. I said nothing like it. The honorable Senator is under an entire misapprehension.

Mr. Bell. It struck me with great force at the time.

Mr. Cass. I will read what I did say: "I know nothing more of the proposed plan of campaign than is disclosed in that part of the Report of the Secretary of War which has just been read to the Senate." This is what I said, and why? First, because it was true; and secondly, because the plan of the Secretary of War was one of the most elaborate and detailed plans ever submitted to the legislative department of a Government. I do not see how he could have been more particular, unless he had said that on such a day we should enter Queretaro, on such a day San Louis, and so on, disclosing every step of the campaign till its objects should be thwarted or attained. It was, therefore, as the honorable Senator will perceive, not of the policy of the Government that I spoke, but of the plans of the campaign.

The honorable Senator has spoken of the force which General Scott considers necessary to maintain our present command of the country.

If the honorable Senator will advert to a document sent into the Senate the other day, and I think published in the Intelligencer, he will find that the force estimated by General Scott as necessary for this purpose, adding to it I believe one or two expeditions, is thirty thousand men. Instead of two thousand, which the Senator deems sufficient to hold the city of Mexico, Gen. Scott considers a garrison of seven thousand or seven thousand five hundred requisite for that object.

Mr. Bell. I have heard the explanations of the gentleman with a great deal of pleasure, but they do not satisfy me that my argument has been at all impaired.

FEBRUARY 3.

The Senate having resumed the consideration of the Ten Regiment bill—

Mr. BELL. Mr. President, in the course of the remarks which I had the honor to present to the Senate yesterday, I endeavored to show that the Administration could not, consistently with their avowed policy, make a treaty with any existing Government in Mexico; and I undertook to show the facts and circumstances on which my argument was based. I referred, in the first place, to the grounds on which this bill was pressed in this body, and, secondly, to the operations of our army itself, as affording evidence that there was no design, no desire to accept any treaty from the existing Government; and I called upon honorable Senators on the other side of the chamber, if they pleased, in their discretion, to say whether that was not their view of the now settled policy of the Administration. I put the question distinctly and directly whether a treaty by the existing Government in Mexico, ceding New Mexico and California to the United States, would be regarded as satisfactory. I supposed that they would be obliged to answer in the negative, upon the ground that, although affording ample "indemnity for the past," it did not afford "security for the future," and that these terms were a substantive part of the settled policy of the Executive. I further said, what I observed might be regarded as a bold assertion, that the Administration neither expected nor desired a treaty with any existing Government in Mexico. I did not say that I would astonish Senators by my remarks, as the honorable Senator represented me as having done. The honorable chairman of the Committee on Military Affairs says it was true that he was astonished. But when he came to answer the interrogatory, "Will you accept a treaty from the existing Government ceding those territories which you have heretofore admitted to be ample indemnity?" he could not answer in the affirmative. He answered precisely as I supposed he was bound to answer. It was for the purpose of bringing out these answers that I submitted these inquiries, in a manner which he regarded as going beyond the due parliamentary license. My object indeed was to press gentlemen, and that gentleman in particular, because he stood at the head of that committee, and is supposed to know the policy of the Administration on a question so important as the present. He answered, then, in substance, as I supposed he was obliged to answer, that they could not take a treaty from any existing Government, or any faction which might arise, if no security for future peace was conceded. And when the question was further pressed on the distinguished gentleman, "What do you mean by security?" he replied that his attention had been directed by the resolutions of the gentleman from Indiana to the Sierre Madre as a proper boundary; but he did not limit his "security" to that line. He went on to speak of the right of the conqueror, when the Government of the conquered nation was unsettled—when anarchy took the place of order, and the people were turbulent—to hold possession of the conquered country as security for future peace; and he referred us to the case of the Allied Powers, who had kept military occupation of France for a twelvemonth as security for the maintenance of the peace which they had concluded with the new Government.

Well, these answers of the honorable gentleman are perfectly natural, rational, and consistent with the policy of the Administration, as I understand it. A military occupation of the interior of the country, to some extent, is now contemplated by the admission of the Senator. What portion of the country is to be occupied, and how long the occupation is to continue, are, as the distinguished gentleman said, things which he could not now point out, as they were to be governed necessarily by contingencies. I shall hereafter show that this is a policy from which they can never extricate themselves but by holding the country by right of conquest, unless they abandon all that they have done—patch up the best treaty they can with the present Government, and under the wings of it flee the country. One word, though out of place, in answer to the statement of the honorable chair-

man of the Committee on Military Affairs that General Scott estimates seven thousand five hundred as a proper force to be stationed in the city of Mexico. I have never seen, sir, the letter of General Scott, which is said to contain these estimates; but I cannot imagine that such a force at that point would be at all necessary, except as a *corps de reserve*—an army of observation, to be employed in the support of other divisions of the army engaged in holding the neighboring States. My estimate of a sufficient garrison for the city of Mexico was founded upon the idea that all the strongholds, and adjoining and populous States, would be first subdued and occupied by an adequate force. I cannot believe that General Scott, under the circumstances I had supposed, would consider an army of seven thousand five hundred necessary to hold a city, large as it is, which he captured with a force reduced to six thousand, and when defended by a force three or four times as numerous—now that the enemy had neither army nor resources.

I now propose to resume my argument at the point at which I had arrived when the Senate did me the favor to adjourn—the policy of the Government exhibited in the orders of General Scott, in carrying out the plan of raising a revenue in Mexico.

In further support of the views I presented on yesterday, I might have alluded to some parts of the argument of the gallant and distinguished Senator from Mississippi, (Mr. DAVIS,) who spoke several times on incidental points in this debate. I remember—I do not see him in his seat now, but I trust I do not misrepresent him—that he pressed, with some earnestness, (and, as in all cases when he has addressed the Senate, addressing himself to the feelings as well as the judgment of Senators,) the argument that the passage of this bill was necessary to relieve broken-down remnants of regiments that had fought through several sanguinary actions with the enemy; regiments which had been reduced from eight hundred or a thousand men to two or three hundred. But what I particularly remarked was his argument in favor of regulars instead of volunteers. He said that, however valuable volunteers might be in action, when an army was in motion, that there was no comparison between their value in a protracted military occupation like this and regular soldiers. And, as I understood him, he considered that it would be chiefly garrison duty to which the army would hereafter be called in Mexico—the holding of the conquered towns and fortresses. I noticed this, and bring it to the attention of the Senate for the purpose of showing that the tenor of the argument generally on the other side tends to support the views which I have advanced. Not only is it the policy of the Administration not to make a treaty with the existing Government, because they cannot obtain the "security" which they demand, but it is to continue the military occupation of the country.

[Mr. DAVIS, of Mississippi, said in substance, that he disclaimed the idea of an additional military force to fix the limits of territorial acquisition, much less to interfere with the political condition of Mexico. He wished to increase the army in Mexico so that its visible strength might destroy all hope of successful resistance. His preference to regulars was in reference to garrison duty, in holding the necessary posts on lines of communication. He had before spoken of a military line from the Atlantic to the Pacific, along the range of the Sierra Madre. His policy was to occupy that line. He was opposed to the permanent occupation of Mexico. He thought that Herrera, sustained by the new Congress and the new army of Mexico, was competent to make a treaty and sustain his Government against the assaults of faction. We ought to treat with it, and he devoutly prayed that we might treat before he (Mr. B.) should close his argument.]

Mr. BELL. I unite heartily in the prayer of the Senator that we may have peace. In regard to his remarks I have only to say that there may have been, as I stated yesterday, a modified policy adopted, and one which would be consistent with the line of the Sierra Madre as the "security" which they want. But I think this is at last a new construction, assumed by the distinguished Senator from Mississippi as one satisfactory to him, of the term "security for the future."

Mr. DAVIS. Assumed last November a year ago.

Mr. BELL. He is consistent. Can he answer for other honorable Senators—for the Administration of this Government? For the power which has greater influence than he or the Senate too, unless we choose by the united voice of the two

Houses to control it? Can he answer that he has the concurrence of one-third of this body—I mean of those on his side of the chamber? What security will such a line give for peace? The reason why they did not retire to a line twelve months ago was that they had no treaty, no peace. They wanted to coerce a peace.

Mr. Downs. I ask the Senator what line he would be willing to accept?

Mr. Bell. I do not mean any discourtesy, but I beg to inform the Senator that before I close my remarks I will state my views upon that point. My argument is intended to demonstrate that the Administration is already carrying out their policy of holding the country by military occupation until a Government may be formed, matured, and strengthened into such a degree of consistency that it will be able to give the securities demanded. I may be wrong, however. Senators on the other side of the chamber, it is very obvious, are not united in sentiment upon this subject. Some distinguished Senators who have spoken differ with the Administration, if we look at what is said in the message and among themselves. And I may say, looking at the immense magnitude of the question, honorable gentlemen may well differ. It is a fearful question in some of its aspects.

Assuming as I do, and I think upon the strongest ground, that the military occupation of Mexico is to be continued until such a government shall be established as shall afford the desired security, I propose to inquire whether the undertaking be practicable. I ask the attention of the Senate to the statement of a few prominent facts, in relation to the character and condition of the Mexican population, collected from the best sources of information within my reach.

I know a distinguished Senator (Mr. Benton) who is far better informed than I am upon this subject, and whose judgment would be entitled to far greater weight. It was my fortune, many years ago, to listen to an argument of that Senator, before a different tribunal, in which his familiar and extensive knowledge of the Spanish character, their colonial policy, their laws and institutions, was manifest. He knows well the materials which now exist in Mexico for forming a government, and he knows the obstacles that lie in the way. I trust that we shall yet hear from that distinguished Senator, who now sits so much at his ease on the other side of this chamber, upon this subject.

The best informed differ in their estimates of the population of Mexico. Some rate it at eight or ten millions, and others as low as seven millions. I assume eight millions as the medium. Of the eight millions there are probably not less than five millions of Indians of pure blood; two millions of what are denominated the castes or mixed races, consisting of mestizos, mulattoes, and zombos, who rank in society in the order in which I have mentioned them; and one million of the Spanish or white race. Between these several races or castes there exists a reciprocal antipathy, amounting to contempt on the one side, and jealousy and hatred on the other. A white skin is still, as at the period of the conquest, a patent of nobility, and just in proportion to the mixture of the blood of the white man which flows in the veins of the several castes, do they assert a superiority over all below them. The antipathies and jealousies founded on the distinction of races appear, from all history, to be deeply seated in natural causes and principles. In Mexico these natural causes were strengthened and fostered by the jealous policy of the Spanish monarchy. The laws and institutions of the vice regal government of the colonies cultivated and promoted the natural antipathy and hatred between the Indian and the white and mixed races, as a means of maintaining the dominion of the parent country against the influence and ambition of the Spanish creole population, which were always a subject of serious alarm to the Spanish monarch. But the emancipation of Mexico from the dominion of Spain appears to have wrought but little change in the general condition or the disposition of the several castes or races towards each other. At the breaking out and during the revolution, the Spanish race, from motives of policy, conciliated the castes or mixed races by allowing them a higher grade in society; but, except the cultivated class among the

mixed races, they still rank below the white race. Of this compound mass of population, the white race now, as at all times, are the real lords of the country; asserting the natural superiority of their race, and controlling all others. They, together with the cultivated portion of the mixed race, are also the holders of nearly all the property of the country. The higher clergy, the military, and high civil functionaries, are all taken from this class; and, in the practical operation of the Mexican Government, the clergy and military constitute a privileged class. They are such by the legal exemptions which they enjoy. The castes or mixed race are next in degree of influence and importance, both in social and political relations; but, with the exception of the cultivated few among them, they are a degraded class. But it is the vast Indian population which most demands our attention. They are as they have been for three centuries—a degraded, dependant, melancholy race; poverty stricken, ignorant; a living but inanimate mass of human beings; outcasts in their own land, taking no interest in public affairs, though recognised as freemen by the Mexican constitution; their religion a mummery, and even, it is said, in many districts indulging their ancient superstitions; residing in separate villages, and cultivating a small allotment of land in common. Such is their general condition, especially in the populous States of the South. Until the period of the revolution they were in a state of pupilage, and not allowed by law to contract debts beyond the small sum of three dollars. They were, for the reasons I have before stated, kept in a state of rigorous seclusion—no white man being by law permitted to settle in their villages. From this, I admit, very imperfect description of the condition of the different races which compose the population of Mexico, it will be readily granted that there is, there can be, no sympathy—no common ties to unite them; there can be no unity, no individuality, no nationality, no equality of social condition; but, on the contrary, irreconcileable hatreds and jealousies. Yet such are the materials out of which it is proposed to construct a government upon the principles of republican equality; such a government as will hereafter stand against all the assaults of faction. But I have not stated all obstacles to such a scheme. In no country of the world is there so great a degree of inequality in the distribution of property. Even among the white race this inequality stands out as a prominent feature in their relative condition. This of itself is a great obstacle, and you must resort to confiscation and banishment to secure a settled Government founded upon equal rights and privileges.

Again, sir, when you shall attempt to regenerate and enlighten the Indian masses, you will have to encounter the inconvenience of twenty different languages, now spoken in different States and districts of Mexico.

There is another circumstance in the condition of Mexico which, to my mind, presents an insuperable barrier to the policy of founding or sustaining the sort of Government which seems to be contemplated; the only sort of Government which our system will tolerate. Besides the want of all affinity and sympathy between the different castes, and the inequality in their social conditions, even the better informed classes, in the march of mind, in intellectual development, are centuries in the rear of the like classes in most of the States of Europe and of this country. The overweening influence of the hierarchy, of the higher clergy, in matters of Government concern, and the despotism which prevails in the religion of Mexico, are at once the evidence, and may be the cause, of this intellectual inferiority. I say nothing of the Romish Church, as to its orthodoxy or otherwise. It may be the truest and purest of the sects; it may be the true primitive or apostolic faith; with this I have nothing to do; but it is remarkable that, from the days of Luther to this day, wherever Protestantism has most prevailed, there you find planted deepest and strongest the seeds and the growth of civil liberty; and I affirm that where there is no freedom of religious inquiry, no religious toleration, there has been no such resurrection of mind as qualifies the inhabitants for the enjoyment of a free and equal Government.

But it is said this party of the Puros, which I have already noticed, embracing a large class—the industrious and enterprising of all the different castes, the ranchero or small proprietor, the artisan and the merchant, including the muleteers, said to be respectable for their honesty, and the professions, altogether combining a large share of intelligence—are friendly to the present policy of this Administration, and that with the aid and through the instrumentality of their chiefs or leaders you can build up a Government. It is with this party in Mexico, as I have already shown, that you are in some sort in alliance. And I now assert that you cannot take another step in this policy with safety and honor; that from the moment of your entrance upon the next stage of progress in the execution of this policy, you will be committed beyond retreat. No, sir, the moment you compromise this party by calling their chiefs and representatives together for the purpose of forming a new government, you are irrevocably bound to the policy of a continued military occupation. You expose them to the never-dying hostility and resentment of every other interest and faction in Mexico; of the heirarchy, who fear the overthrow of their religion; of the large landed proprietors and the military, who fear the extinction of their long-enjoyed power and influence; and if there be any remains of the ancient Castilian pride and spirit in the country, it will be roused to indignant and inextinguishable opposition to those of their own countrymen who may lend themselves to the project of forming a Government under the protection of foreign bayonets. No, sir, when you shall have once committed yourselves fully o this policy, in conjunction with the Puros, you can never abandon them. It would be perfidious and disgraceful to do so. The civilized world would cry out against you, should you leave them to the vengeance of their powerful enemies.

But, if you allow no force to this argument, when you shall have constituted this new Government under the protection of your armies, how long is the experiment of its stability to be continued? When will you know that you may safely withdraw your army? How long is it supposed your nurture will be required, before you can leave your bantling to stand alone? When all shall be quiet, when there shall be no hostile array in the country? Does any one doubt that, from the moment when your armies shall have overrun the whole country, and every stronghold and large city shall be occupied by your garrisons; when the present hostile chiefs shall have found that further resistance will be fruitless against your overwhelming forces, that they will retire to their estates and submit to your authority? Then all will be peace; but will they carry with them no slumbering spirit of resentment; no fierce determination of resistance and revenge, to be stirred into action the moment you shall fancy that all is safe, and you shall withdraw your forces? Do you consider the race with which you have to deal? They are the descendants in part of the Celtiberians, who are said, in ancient history, never to have sighed in death—the terror of the armies of Rome, and who, in the defence of Numantia, their last remaining fortress, preferred perishing by famine, to submission to Roman aggression; in part, of the Suevi and Visigoths, who finally crushed that collossal Power. They are Spaniards, who walk the streets and highway, carrying the stiletto under their sleeve, the dagger under the folds of their cloaks, and bide their time. The race has deteriorated; but still blood will show itself, at the distance of centuries, when the cup of bitterness overflows, and when the oppressor least expects it.

I have inquired how long this experiment of establishing a stable Government in Mexico, by military occupation, is to continue; and if it will not be regarded as too great a descent from higher considerations, I would now inquire what is to be the cost of this experiment? Does any one imagine that a less period than from three to five years will be sufficient to overcome all the obstacles which now exist to a settled Government in Mexico? I may be told that after one or two years the army of occupation may be safely reduced one-half, or to a force of twenty-five thousand. But this must depend upon contingencies. I have already stated that an army of fifty thousand men cannot be supported in Mexico at a less annual cost

than $40,000,000. I have also supposed that, after you shall have subdued all the States to your authority, and with the assistance of your navy you blockade her ports, you may derive a revenue of $10,000,000 from Mexico. This will leave an annual cost to this country of $30,000,000 for the army alone, until the force in Mexico can be safely reduced. But the honorable chairman of the Committee on Military Affairs, in giving his views of the importance of occupying the mining districts of Zacatecas and San Louis Potosi, informed us that he had received assurances from a distinguished officer in Mexico that a revenue might be derived from these States so large that he would decline stating the amount lest it should be deemed incredible. And this is the mode by which this country is to be reconciled to the military occupation of Mexico for a series of years. Why, one would be led to suppose that the army had nothing to do but to seize the mines, and that they would find the silver and gold already separated from the ore, and in marvellous quantities; or that the mines could continue to be wrought by the proprietors, and all the products be handed over to our collecting officers. But does not every Senator know that the mining of the precious metals is conducted with immense cost, and that all that the Government or the army can exact cannot exceed a rate which will leave a due profit to the proprietors. You surely do not mean to employ your officers and soldiers in working the mines. From the grasping character of the Mexican Government, to say nothing of its necessities, it may well be supposed that the produce of the mines was taxed at the highest rate it could bear; and I have never seen an estimate of the amount of revenue drawn from that source, including the tax on coinage, which exceeds two millions, including the transit duty. The gross annual product of the mines in all Mexico does not exceed $20,000,000, and twenty per cent. on $20,000,000 would be one-fifth, the highest assessment levied by the Government of Spain in the days of the Vice-Regal Government. In addition to the revenue derived from this source, if you should succeed in reviving the foreign trade of the country, continue the blockade of all the ports of Mexico, and keep the communication with the interior open, you may derive $6,000,000 from the customs. Besides these, you can collect $3,000,000 in direct taxes. Thus, after abolishing the tobacco monopoly, the internal duties, and lotteries, and surrendering the remaining sources of revenue to the States or local Governments, which in pursuance of the policy of the Administration you have already done, $11,000,000 will be the highest amount of revenue you can expect to derive for the support of your army, and this only after you shall have overrun and occupied all the States. At this time, supposing that you have reduced Zacatecas, San Louis Potosi, and Queretaro to your authority, you are in possession of ten States, and, if Chihuahua is to be included, eleven. General Scott, by his financial regulations in Mexico, has imposed upon the several States in Mexico $3,000,000, payable monthly by the States occupied by our army. At this rate, $1,000,000 may be derived from the eleven States now in our power within a year. You may be receiving $2,000,000 from the customs and $500,000 from all other sources of revenue not abandoned or surrendered to the States. Thus, the whole amount of revenue, after all your brilliant successes, you are now in the receipt of, in pursuance of the policy of compelling Mexico to pay the expense of the military occupation of the country, does not exceed the rate of $3,500,000.

But, Mr. President, these are mere speculations, and, after all, of little importance to the country. This question involves higher consequences. By the time you shall have perfected your financial regulations in Mexico, and long before you shall have given such strength and power to the new Government you propose to erect; long before you shall see the day when you can safely withdraw your army from Mexico, with the securities you desire, a new element of control will have intervened; a new and potent influence will have sprung up to set all your plans at naught. Sir, the moment it shall become your known and settled policy to continue the armed occupation of Mexico; that you propose to occupy all the large towns with a competent force to ensure tranquility; that you intend to extend your

protection to the highways and all other channels of trade and intercourse, and that this military protection is to endure for a series of years, as it must endure, what must be the inevitable consequence? A current of immigration will set towards Mexico from this country, as irresistible as the torrent of Niagara. The youthful, ardent, and enterprising classes of this country, attracted by the thousand rumors which go forth of the untold wealth of the Mexican mines; of the wide and yet unoccupied field for successful enterprise in every branch of industry, will soon spread themselves over the whole country. They will become proprietors of the soil; under the guaranty of the new Government of your formation, they will become agriculturalists, establish factories, and become the most useful and productive class in the country. They will send for their families, or form family connexions with the native white population. Yes, sir, before two years shall have passed in the execution of your present policy, hundreds of thonsands of your own citizens will have become domiciled in Mexico. Your citizen soldiers, too, will have become reconciled to a permanent residence in the land their arms have conquered. They, too, will have contracted ties and obligations which they will not be willing to abandon. Then, when you shall suppose that the time has come when you can safely withdraw your army, a cry of remonstrance will come up from Mexico, such as will find an echo, a lively sympathy at home, in the hearts of tens of thousands who now imagine that no necessity can ever arise strong enough to reconcile them to the subjugation of the whole of Mexico. These influences will be felt in all the departments of the Government; they will be felt in this chamber. It will not be the Puros only, but it will be your own countrymen who will call upon you to save them, their families, and their property from the resentment, oppression, and spoliation of the powerful factions which will be ready to spring up and overturn the new Government. That "force of circumstances," so often and so significantly alluded to in this debate, will then acquire tenfold power over the sentiments and opinions of the people of this country, and over the public councils. It was heretofore strong enough to impel you to the policy of continuing this war, by carrying your arms to the heart of Mexico, and then to engage you in the plan of creating a new Government; and it will at last impel you, with far greater reason, to hold the permanent sovereignty of the whole country by right of conquest.

This, sir, will be the last act in the great political drama we are now enacting. This is to be the consummation of the policy already shadowed forth in the message. This is not merely a nascent policy; it exists not in embryo only; I have attempted to show that it has germinated already. That it is not merely a vague, floating idea in the brain of the President, will fully appear from the message. I beg leave to read a few passages from it. After alluding to the probable "insecurity of the present Government in Mexico," and suggesting that it may become proper to give "assurances of protection to the friends of peace in Mexico, in the establishment and maintenance of a new republican government of their own choice," and thus converting the "war which Mexico has forced upon us into an enduring blessing to herself," the President concludes what he had to say upon this part of the subject in this significant language:

"If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must *continue to occupy her country with our troops*, taking the full *measure of indemnity into our own hands, and must enforce the terms which our honor demands.*"

What "the taking of the full measure of indemnity into our hands" points to, whoever now doubts cannot be influenced by any reasoning it is in my power to employ.

But it is not the President only who appears to have looked to the permanent acquisition of all Mexico as the probable result of the policy now pursued in the prosecution of the war. I have in my hands a copy of a letter addressed by the

Secretary of State, (Mr. Buchanan,) upon this subject, to a public meeting in Philadelphia, in which he sums up the views upon the war question in the following language:

"The capital of Mexico is now the headquarters of our conquering army; and yet, such is the genius of our free institutions, that, for the first time, its peaceful and well-disposed citizens enjoy security in their private rights, and the advantage of a just and firm government. From all that can be learned they appreciate our protection at its proper value, and dread nothing so much as the withdrawal of our army. They know this would be the signal for renewed and fierce dissensions among their military leaders, in which the Mexican people would become the victims. In this wretched condition of affairs justice to them and to ourselves may require that we should protect them in establishing, upon a permanent basis, a republican government, able and willing to conclude and maintain an equitable treaty of peace with the United States. After every effort to obtain such a treaty, should we finally fail in accomplishing the object, and should the military factions in Mexico still persist in waging upon us a fruitless war, then we must fulfil the destiny which Providence may have in store for both countries.

"In any event, we owe it to the glories of the past, to the duties of the present, and the hopes of the future, never to falter in the vigorous prosecution of this war until we shall have secured a just and honorable peace. The people of the United States will act upon this determination as surely as that indomitable perseverance in a righteous cause is a characteristic of our race."

But other powerful and influential supporters of the Administration have also furnished pregnant and alarming evidences that this idea of conquering and holding all Mexico has been largely entertained. Need I refer to the resolution introduced into this body by my friend the Senator from Indiana, (Mr. HANNEGAN,) or to the resolution on the same subject introduced by the Senator from New York, (Mr. DICKINSON?) They speak for themselves.

There are others who have spoken upon this subject too prominent in the country to be passed over without notice here. I allude to opinions expressed by officers of the army. I have understood that a letter has appeared in one of the public journals of the country, from a distinguished and gallant general recently returned from Mexico, (General Quitman,) in which he expressed himself favorably to this policy. I would be sorry to misrepresent this distinguished officer, for I have a high respect both for his patriotism and his intelligence; and if I am in error, and any honorable Senator has it in his power to set me right, I will thank him to do so. Another gallant and distinguished general, (General Shields,) I observe, has expressed the sentiment, on a public convivial occasion, that the Whigs are "warring against a high and indomitable necessity."

The distinguished and able chairman of the Committee on Military Affairs has told us that, although he does not anticipate the annexation of all Mexico, yet that he sees nothing so alarming in such a result. I could multiply the proofs, beyond the patience of the Senate to listen to, that this gigantic scheme of annexation has been gravely considered and found favor with the Administration, if it be not its settled policy. But, sir, whatever may be the real views of the President and his Cabinet upon the subject, I have, I think, conclusively shown that the inevitable tendency and results of the policy they advocate, and which is now in full progress in Mexico, is and will be its subjugation. Considering this point established, it becomes a duty of the last importance to consider now—I say now, while we have it in our power to control the future issues of this war—what we shall do with all Mexico when it is annexed to the Union? Yes, sir, I repeat the question—what will you do with it? Will you annex it in the form of States? Let us see what will be the consequences of such a procedure. The several States or provinces of Mexico, twenty-one in number, now enjoy a separate political organization, with sufficient population in each to form a State under our system, except two. These may be well merged into one; which would still leave twenty new States to be admitted into the Union, besides the territories, by a single legislative fiat. By the constitution of the United States you are bound to guaranty a republican form of government to any new State admitted into the Union. Well, sir, besides three millions of the white and mixed races, there will be in the twenty States of Mexico a population of five millions of Indians of the pure aboriginal stock. They are

freemen by the present laws and constitution of Mexico. What will the spirit of progressive democracy, which now exercises so large an influence in this country, prescribe as to them? Would it not claim for them the enjoyment of the right of suffrage? Is it not the genius of this new and enlarged system of political philosophy to inculcate fraternal union upon the most perfect equality with all mankind? But suppose this point waved, and that it shall be determined to suspend the political rights and privileges of the Indian for a time; still, upon the principles of our own established system, you must permit them to be represented in the National Legislature. They are freemen, of a race superior to the African, and you cannot deny to the States of which they compose a majority of the population this right. Then, assuming one hundred thousand as the ratio of representation, you will have eighty new members added to the House of Representatives; fifty of whom will represent an Indian population alone. But it is the Senate that I may congratulate upon the largest addition to its present dignity and importance. We shall have forty new Senators; and as the mixed races of Mexico are, by habit and by a just tribute to mental superiority, admitted to an equality of social and political privileges, it is to be hoped that we shall always have a portion of the new Senators of this caste, who, by the novelty of their complexion, will give new interest and attraction to this body. Why, sir, at this rate of advance in our schemes of national aggrandizement we shall be subject to great changes of every description. This Capitol will be found to have been projected upon quite too limited and narrow a view of our destiny. We shall have to dispense with it, and rear one commensurate with the grandeur of our system; or, rather, it will soon become expedient to centralize the national metropolis.

But, sir, you hesitate; you recoil from this view of the subject; you turn aside from this picture, and say you will adopt a policy less revolting to the popular feelings and judgment; that for a time, at least, you will hold Mexico in the form of territories or provinces subject to your regulation; that in this mode you will govern Mexico until by immigration there shall be such an infusion of the white race in all the provinces as to secure to them the superiority of numbers and influence; and then you can adopt them into the Union as States, upon an equal footing with the present States. But you will still have five millions of Indians on hand, to be an ever-eating canker on your system. What will you do with these? They must have space; you must leave them their villages and commons; you cannot drive them into the Pacific on the one side, or into the Gulf on the other. You cannot exterminate them; you will not be more cruel than the Spaniards. You say that you will take them under your tutelage; that you will enlighten them, commencing with your military officers and soldiers as their first teachers, and the bayonet for the rod of discipline; that you will stimulate this inanimate mass into life and energy by the influences of trade—by giving them the benefits of just and equal laws; that you will thus gradually induct them into the knowledge and duties of free institutions, and that, after the lapse of a few generations, you may hope they will be qualified to enjoy all the privileges of the white race. A happy termination to this beneficent scheme! But all history, all experience, is against it.

There is another consideration deserving attention, though of less importance, when you shall have resolved upon holding Mexico as an appendage or subject province or provinces. What will you do with the public debt of Mexico, which is said to be now $100,000,000, $60,000,000 of which is due to foreign creditors? Will you repudiate it? If you do you may bring an old house down upon your heads. Will you seize and confiscate the property and estates of the clergy? It is said the higher clergy have a great amount of debt against the large proprietors of mines and other estates, secured by mortgages. I have heard it estimated as high as $170,000,000. I have it also upon good authority that the Puros party, in conjunction with which you propose to establish a new Government, have long contemplated, as one of their objects in aspiring to power, the confiscation of those debts to pay the public debt of the country, and to appropriate the remainder to the construction of roads and other works of general utility. Will you carry out this policy when you shall assume the absolute dominion of Mexico? If you do, what will you say? How will you excuse yourselves to the new Pope of Rome and Bishop Hughes? These are troublesome questions, but I trust that Senators will see that they deserve consideration.

Permit me now, sir, to call the attention of the Senate to some of the further consequences which may attend this scheme of conquest and annexation. When it shall be

known in Europe that you have solemnly decided upon the policy of extending your dominion over all Mexico, will there be no disposition among the large and powerful States of that continent to interpose and prevent the consummation of your magnificent scheme of national aggrandizement? Upon this point, I would respectfully inquire of the chairman of the Committee on Military Affairs if the disposition of foreign courts has been sounded on this subject? I can hardly suppose that it has not been done. It may and probably will be said that we will permit no interference of any foreign Power; that they have no right to interfere, and the moment such a movement is made the whole population will rise up to resist the audacious attempt. Still, sir, the great Powers of Europe may choose to interfere. I do not think they will, for several reasons. Great Britain, with her large colonial possessions on our northern border, and her commercial interests and ascendancy, will have most cause to watch our career of conquest; but still she, with the other monarchies of Europe, may look on in quiet complacency, shrewdly supposing that we may, in our extravagant attempts on all Mexico, do for ourselves the worst that their united arms could do, and with far less cost to them; that the subjugation of Mexico will be a perpetual drain upon our resources and reduce instead of adding to our present rank as a military Power. Perhaps, too, they may indulge the expectation that in the mad career we are entering upon, that model system of free representative government—that mirror system established in America, which has so long reflected back upon Europe an image of freedom and prosperity and happiness, so seductive yet so dangerous to themselves, will be broken in pieces, never more to be reconstructed.

There are other reasons, however, which may control the councils of Europe. They have their troubles at home. England has her Ireland, France her Algeria, to tax their resources and hold them in check. France, in a period of no little agitation, and with a population which the consummate skill and statesmanship of Louis Philippe has failed to unite, is on the eve of entering upon the experiment of a regency under the reign of a minority prince. England and France are jealous of each other, and both look with fearful apprehension to the designs of the Autocrat of the north—the great Northern Bear, who only waits the embroilment of those two Powers with each other, or with America, to stretch forth one of his huge paws to draw to his strong embrace the dominions of the Grand Turk, and with the other to grasp British India, with an internal capacity still remaining sufficient to ingulph all Europe, as occasion may offer.

Still, sir, England and France, disregarding all other considerations, may conclude that their commercial and other interests require them to unite in a forcible interference with a policy which looks to the establishment of an unlimited dominion upon this continent; and it becomes us to estimate the consequences of such a determination on their part. The war in which we shall then be engaged will not be confined to the land; it will be an ocean warfare also. To meet their united naval armament of a thousand ships of war we must enlarge our own naval establishment in a corresponding degree. When Mexico shall find such allies—when the disciplined legions of the combined enemy shall be brought to her assistance on land, instead of fifty we shall be called on to send one hundred thousand troops to Mexico, and have as many more to defend our sea coast, then extending from the mouth of the Oregon to the Gulf of Tehuantepec on the Pacific, and from the Bay of Honduras to the Bay of Fundy on the Gulf of Mexico and the Atlantic. Who shall estimate the cost of maintaining such armaments, both by sea and land, as it would then be incumbent upon you to supply? To say that a hundred millions per annum would cover the cost of such a war would be under rather than over the mark. And where will be your resources when your foreign commerce shall be annihilated? Sir, it may be wise and patriotic to speak of foreign interference as an event to be defied, but it is also the part of wisdom to consider that it is possible, if not probable, and to make our account accordingly. I know, sir, Senators may exclaim, who dreams of such a result as a foreign interference, as a war with England and France! Who, sir, ought not to dream of such results when they understand the tendency of our present policy in regard to Mexico? And how often has it happened that the greatest misfortunes have befallen a country because her statesmen have failed to dream in time of the dangers which impended over it.

I must say, sir, upon this subject of foreign intervention, that the course of this Government is any thing but conciliatory towards the Powers of Europe. At a moment when you have already seized upon New Mexico and California, and declared your intention never to surrender them, and when at the same time you are preparing to grasp all Mexico, you proclaim to the world your determination to allow no transatlantic Power to acquire any further foothold in America. While, by this declaration, you announce what may pass as a sound policy, by your practice you take away all merit from the

motive. You will suffer no other Power to add to their dominion by taking advantage of the feeble and distracted condition of the States of Spanish origin, while you claim the privilege to despoil them at discretion. You will have no partners in the work of territorial spoliation; you claim a monopoly of the spoil and plunder of America.

I now propose, Mr. President, to address myself to another branch of the subject. What will be the effect of subjugating all Mexico, and holding it in the form of States or as dependant provinces upon our system of government, our free institutions?

The distinguished Senator from South Carolina showed a great deal of hardihood, or rather that he is a statesman of a by-gone age, when he broached the obsolete idea of executive patronage and the duty of keeping it in just and reasonable limits, even with our present extent of territorial power and dominion. Who can now speak of the subject of patronage without being thought far in the rear of the times? Why, sir, does not the distinguished Senator know that, from the moment when the doctrine of proscription could be openly avowed, and the right of the ruling party to the exclusive enjoyment of the offices and honors of the country was rigorously practised by one great party, and the justice and propriety of the policy, sustained by a large portion of the other, a final extinguisher was applied to all hope of limiting the patronage of this Government upon any old fashioned notion of economy? Yes, sir, I remember the time, since my entrance into public life, when the cry of proscription, of retrenchment, and reform was potent enough with the people of this country to overturn an Administration distinguished alike for its economy, honesty, and ability.

But, sir, we should not despair of resisting successfully the avalanche of power and patronage which now threatens to overwhelm us. Let us inquire for a moment what will be the amount of patronage which will accrue to the Executive when Mexico shall be added to our domain, and laid off into separate territories or provinces.

We shall have not less than twenty-four new and distant territorial or provincial governments, each of which must have a governor—twenty-four governors—and as many secretaries to their excellencies; then the judicial corps in each province of two or three judges, an attorney general, and a marshal; then will follow collectors of customs, at numerous ports on the Pacific and on the Gulf of Mexico; the directors of nine public mints; then, for a period at least, we must have a military chief of a grade not lower than a general commanding the forces in each province; and last, though not least, a governor general for all Mexico. Why, sir, John Bull need not swell himself out, and vaunt himself so lusti y any longer. We, too, shall have our Indies; our subject millions; our rich provincial governments; our large standing army; and though we may not boast an empire on which the sun never sets, yet will it soon extend from the Line to the frozen seas of the north. With such prospects of extended dominion, what visions of national grandeur and magnificence may we not indulge? Then such magnificent scenes as we shall behold at this seat of our great republican empire, and all over the country; generals returning from the distant provinces laden with wealth and honors, making their triumphal progress through the country, and suing for the consulship; troops of applicants for office of an inferior grade. What gorgeous spectacles shall we behold on levee occasions at the White House, or rather the imperial palace; what a glitter of epauletts; what a clatter of dangling swords; what a waving and doffing of red and white plumes! But all this will be eclipsed on presentation day; when the twenty-four new governors shall attend to kiss hands, and take their departure for their distant provinces. Sir, the imagination fires at the thought. I already see the grand usher or master of ceremonies leading in the successful applicants, and hear him saying to the President, "This, sir, is the gentleman whom your Excellency has had the goodness to nominate as governor of the Californias, this of Sonora, this of Sinaloa, this of Guanaxuato, this of Jalisco, this of Oaxaca, this of Michoacan, Chiapas, Yucatan, Queretaro, Tamaulipas, New Leon," and so of the rest. "And I have the proud satisfaction to announce to your Excellency that the august Senate confirmed the nominations of all these gentlemen without the slightest inquiry into their fitness, having the most unbounded confidence in the unerring judgment and long tried patriotism of your Excellency in all that pertains to your illustrious station."

Well sir, this will be a proud occasion. And then, sir, what limits can be set to our growing greatness? We shall have a railway uniting the city of Washington to the city of Montezuma—I insist, sir, that the name of Mexico be changed to that of Montezuma—the two capitals of the United Empire. This shall be our Rome, and if the Lake Tezcuco can be converted into a strait, Montezuma shall be our Constantinople.

Well, sir, do honorable Senators think that we can stand all this more than imperial splendor, without danger to the constitution and the liberties of the country? Why, sir, the prize of the Presidency is already so great that every succeeding election threatens

to convulse our system. Who does not remember the excitement which pervaded the whole country in our more recent Presidential elections—an excitement so intense that society could bear no more? But when we shall have a standing army of fifty thousand men; when our empire shall be enlarged to the contemplated limits; when the whole country shall have been intoxicated by this passion for distinction and glory, personal and national; when the Presidential purple with its present power and patronage, presenting a temptation almost too great for virtue, shall receive this vast accession of strength and influence; when, instead of twenty or thirty, the President can annually dispense a hundred millions among his partisans and followers, who shall say that our institutions will be in no danger? Sir, public liberty will be extinct. But we may console ourselves with the reflection that the forms of the republic will still be preserved. The republic in ruin will still flourish in name; ours will still be denominated the great republic. But what are forms and what is a name? The Roman republic long survived the crushed liberties of the people of Rome. Augustus and his immediate successors carefully observed all the forms of the ancient constitution. Consuls were elected; the Senate continued to debate and register decrees, fancying itself still a constituent element of the government long after every vestige of real power had departed from it forever. But Senators say there is no danger of a similar result to our system, whatever policy we shall adopt in relation to Mexico; and so they go on, in the execution of their present policy, to whatever it may lead.

And this is destiny! It is death! This is to be the triumph of progressive democracy. Sir, I am at a loss to understand what particular quality distinguishes progressive from the good old-fashioned Democracy under which our Government was formed. I know but little of this new school, but the little I do know has not impressed me favorably. I am too old to adopt new theories of government, especially when I am satisified with my early creed. Progressive democracy, from all I have heard of it, does not appear to be over modest in its pretensions. It has little reverence for the time-honored opinions of the sages and founders of our institutions. Nor is it content with their results, happy and glorious as they are and have been. It aspires to the invention of something still more marvellous for the improvement of the condition of society and of mankind. It claims alliance and joint origin with steam-power, by sea and land; with the locomotive, the steam-ship, and steam press; with the magnetic telegraph, and, in its arrogance, would seem ready to wrest the lightning from Deity, and claim it for its own creation. We have heard its disciples and partisans declaiming perpetually of the extension of the area of freedom. Our present limits are quite too contracted, and nothing less than a continent can give scope for the development of their principles. Old ideas and all existing institutions have fulfilled their missions, and must give place to new ones more conformable to the true destiny of man.

Indeed, sir, in regard to the recent invention called progressive democracy I am as ignorant and as much puzzled and confounded by the declaration of its expounders as the Inca of Peru when Pizarro caused his chaplain to explain to him, through an interpreter, the extent of his authority and the heavenly character of his mission to America. The reverend priest spoke first of the Holy Trinity; then of the Pope of Rome, and last of the Emperor Charles V., and of the powers and attributes of each. But the mystery was too profound for the untutored mind of the Indian. The good Inca, in despair, exclaimed, "Wo is me! all that you say of your Three-one-God, of the great man who sits upon the seven hills, and of another great man called the Emperor, I cannot understand; but I see plainly that you claim the right to take from me my country and to destroy my people."

Mr. President, from the views I have presented on this subject, it will be perceived that I have not proceeded on the ground that the Administration entertained any scheme for the conquest of Mexico until after the termination of the campaign of Gen. Scott, by the capture of the city of Mexico, and the failure of Mr. Trist's negotiation. At this period of the war, I have undertaken to show that a policy was conceived and adopted in the further prosecution of the war, and which is still persisted in, which in its inevitable tendency must lead to the final subjugation of that country. I have also endeavored to establish, from the tenor of the message itself and numerous other proofs and circumstances, that the Administration have looked to this as the possible, if not probable, result of its policy; that they have weighed the consequences and resolved to risk them. In the course of my remarks I have given full weight to the argument of the force of circumstances, and the real difficulties and embarrassments in which the Administration is involved in bringing the war to a close, as the inducement to the policy now persisted in. It will also be observed, that in the discussion of this subject I have not considered it material what the real views of the Executive may be upon the question of final con-

quest and annexation. But I have insisted and firmly believe that the further prosecution of this war, according to the plan now in operation and for the objects explicitly avowed, whether the Administration wills it or not, can have no other termination than the one I have assumed as inevitable.

Thus, sir, the real question before us is not whether we shall pass the bill, but how we shall stop this war or control by our resolves the future prosecution of it. It is clear, sir, that we have arrived at a point in our history which will be memorable in all time for good or for evil. It is an epoch! It is not like the crises alluded to by the honorable chairman of the Committee on Military Affairs. It is not a question regarding the settlement of disputed points of domestic policy; whether the protection of domestic industry or free trade be the true policy of the country; or whether a national bank or the subtreasury would be the most suitable fiscal agent of the Government; but it is a contest of principle, in which the whole frame and policy of our free system of government, is liable to be unsettled and revolutionized. We are as a nation about to enter upon a perilous enterprise, as vast in its aims as it is daring in its conception. The proposition is, or soon will be, if not arrested by the National Legislature, the incorporation into our Union of a territory large enough to found an empire of itself. Surely, sir, before we try "the hazard of this untrod state," we should pause. I am persuaded that the boldest, and even the most reckless, of those who favor this gigantic project must feel some trepidation, some misgiving. If they are patriots, as I doubt not they are, they will pause before they launch into an unknown stream that will carry them and the counrry they know not where. It is a question which invokes to its discussion and decision all the genius, and talents, and wisdom of the land. And if any of my Whig friends in this chamber or elsewhere suppose that, after all, there is no great danger of the success of this scheme of conquest and annexation, extravagant as it may appear to them, let me warn them that they are lulling themselves into a false security.

Permit me to advert for a single moment to some of the elements of popular influence which exist in favor of this policy, and the advantage of the position which its advocates enjoy over their opponents. Why, sir, the very magnitude of the proposition, though startling at first from a distrust of its consequences, soon becomes a source of favor and support. The passion for the grand, the vast, and the marvellous, inherent in the mind, especially of the youthful and ardent, soon produces its natural effect, and overcomes all obstacles. Why, sir, I confess that when I give the reins to the imagination I am intoxicated with the grandeur of the prospects that may be opened to us as a nation. Sir, it is a dangerous subject to contemplate. With all the fearful consequences that may arise from the adoption of this great project, some of which I have endeavored to depict, it still has great attractions. Pope illustrated the operation of the human mind upon such a question in his description of the allurements to vice:

> "Vice is a monster of such frightful mien
> That to be hated needs but to be seen;
> But seen too oft, familiar with its face,
> We first endure, then pity, then embrace."

Yes, sir, pity is not an inappropiate idea, for we shall soon hear of the pitiable condition of the poor Mexicans; a prey to all the evils of faction and anarchy. The project, though formidable and repulsive to the judgment at first, when it comes to be softened down, and its dangers diminished by the brilliant coloring of fancy, no longer seems so fearful and perilous. Add to this the vast extent of the country itself, the broad table of the Cordilleras of the Andes, opening out like a fan from the south to the west and the north, affording every variety of clime, from the torrid to the temperate; and then the grandeur and magnificence of some of its features and the beauty of others. There nature exhibits herself in her most sublime and terrific, as well as in her more lovely and enchanting aspects. You see snow-capped mointain-peaks towering to the clouds, and the scarcely extinct volcano, rising by the side of flowery vales, studded with refreshing lakes. There, too, nature has bestowed the often fatal gifts of mountains teeming with precious metals; and the earthquake not infrequent comes to awaken the guilty conscience of the oppressors. It is a country full of stirring recollections. The pen of Prescott has made it a classic land. It was the theatre of the deepest and darkest tragedy ever enacted. It is the land where once flourished a great and populous empire, founded by a race of unknown origin and of mysterious destiny. Sir, striking as these things are in themselves, distance gives to them additional charms and increased enchantment. These are some of the attractions which captivate the imagination of the young and pervert the judgment of mature age, and we shall see that in due time they will be heralded forth throughout this wide country by a thousand tongues in strains of

vivid and impassioned eloquence. Sir, the gratification of national ambition, the national pride, the love of power and dominion which fill the heart of man, the idea that we belong to a great and powerful nation, how often, in the history of the world, have they reconciled the sincerest patriot to despotic rule encircled with glory.

Sir, I confess my own weakness; and when I contemplate this picture of national greatness, I often find myself wishing that this future could be realized without danger to the public liberty. How I would exult if we could only preserve the free institutions of the country, its future prosperity and repose. If such are my own feelings, what must be the effect of the brilliant destines of the republic presented to the youth of the country, full of ardent and ambitious hopes, and whose impulsive and inexperienced minds seldom pause to weigh the evils which may attend a career of such glittering prospects. Sir, who shall undertake to prophecy a favorable issue to this question, when every temptation to ambition, individual and national, when every lure calculated to excite and win over to this scheme of conquest, alike the laudibly curious and enterprising among the youth of the country, and the vicious and corrupt slaves of cupidity, are offered in rich profusion.

We must not forget the army. It is already an element of great influence in the country. Honest and patriotic as our gallant officers and citizen-soldiers may be, it is but natural that they will form attachments to the country which has been the scene of their glory, and desire its consolidation with their native land. We have already seen evidences of this feeling in the letters and speeches of gallant officers now in the country. They, too, are but men like ourselves, with all our passions and separate interests. While Mexico continues to be the seat of war, they may expect to win new laurels in the service of their country. The ambitious among them who have not yet reached marked distinction will desire new occasions for the display of heroic valor. And when all Mexico shall be subdued to our dominion, and no new fields of martial distinction shall be presented, they may still expect to find employment congenial to their habits.

There is another greater and more formidable influence to be looked to in the settlement of this question. There is a great and powerful party in this country—a party which, for the last twenty years, with the exception of a slight interval, has held the reins of power and enjoyed the honors and emoluments of the civil service. The results of the late elections have shaken their security, and they may be expected to put forth all their energies to maintain their ascendency. If the President persists in his present policy a few months longer, the issue must come to be, "the conquest of all Mexico." I do not suppose that every member of the party will yield their settled convictions on this subject for party considerations; far otherwise. We have already heard the voice of opposition to this policy from the other side of this chamber. The distinguished Senator from South Carolina has led the way, and I trust many others will follow. But party is a tyrant. De Tocqueville was right when he said that in few countries of the world was political opinion less free than in this free country of ours. Who that has been in public life has not felt the party lash? What so galling to the feelings of an ingenuous mind and a patriot as to find himself compelled to relinquish his station, or to yield to the behest or dictation, often of inferior minds, who, by superior chances, come to be considered party leaders? and the brightest genius sometimes makes a fatal blunder.

Sir, in calculating the advantages which the supporters of the policy of conquest possess, and the chances of averting such an issue in the coming political conflict, there is one of a peculiar character which deserves to be considered. It arises from the dilemma in which the President is placed, in part by himself and his friends, and in part by the Whig opposition. The President, very early in the progress of the war, declared his purpose of retaining New Mexico and California. But his friends of the North and East said to him, You shall not take those territories but upon condition of the Wilmot proviso. The Whigs of the South became alarmed, and united with the North in the no-territory policy. Thus was the President checkmated both by his friends and opponents. This was his dilemma; how to escape from it was the question. He had no way to escape but by frankly retracing his steps, acknowledging his error, and making a treaty without the cession of territory; but that few men in high station, and who aspire to the rank of statesmen, can afford to do. It requires a great man, a very great man, to do this. I do not mean to speak offensively of the President. I consider the embarrassment under which he was thus placed in reference to the conclusion of the war, great and serious. If he treated with Mexico without the territories, nothing but the military glory achieved in the war would remain, after all the sacrifices of the country in the prosecution of it. From this embarrassment nothing could relieve him but the intervention of Congress by declaring the objects of the war. Hence, was he tempted continually to a new line of policy; and the refusal of the Government of Mexico to

treat with Mr. Trist, with the brilliant conquests of Gen. Scott, gave the encouragement to the new and extended objects of the war which now constitute his avowed policy. And the causes which produced this determination must still embarrass the President in any attempt to close this war unless Congress will relieve him. He is still impelled by a dire moral necessity, either to degrade himself from the rank of statesmen, by the voluntary confession of error, or to take the hazard of elevating himself to a still higher fame, or of losing all, by involving his country in a fatal enterprise.

But, sir, the friends and supporters of the President and his administration are embarrassed by the same causes; they are in a like dilemma with himself, and one in which they involved both him and themselves. Hence the temptation to them to adopt a new and bolder policy; to extend their views far beyond New Mexico and California. A whole party, powerful in resources of skill, talent, and patronage, are thus placed in circumstances strongly urging them to an issue which at one bound clears every barrier—relieves them from all past embarrassments, Wilmot proviso and all—and if they should fail, they will fall in the execution of a bold conception; but if, on the other hand, they should be successful, and carry out the daring project of uniting all Mexico to our Union, the leaders of the enterprise will leave a name in history of no half way measure of renown or dishonor. The fame of the authors of the movement must rise with the increasing glory of a still free country; or their names will be execrated amid the broken and crumbling ruins of the republic.

Such, sir, are the dangers and temptations to which the country now stands exposed; and if the party in power shall determine to make the issue I have supposed, who can estimate its force in the decision which the country must declare.

And what, sir, are the resources of power and influence which the opponents of this scheme have at their command? Where the high official stations? what patronage to uphold the public press—to stimulate the zeal of partizans? None, sir, none. They must rely alone upon the moral influence and considerations inherent in the question itself. Does any one inquire where is the Whig opposition—the great Whig party? Why, sir, as a party, the Whigs, in standing out against this policy, are shorn of half their strength by the very idea that their opposition springs from party motives; and further, by their position in seeming to withhold supplies for the prosecution of a war in which the country is engaged with a foreign foe; by the cry of treason and alliance with the public enemy. Instead of an advantage, the idea of a party opposition, from the necessity of the case, is a formidable drawback to the influence of those who look with alarm to the results of the further prosecution of the war.

But, sir, while we thus stand confronted with this question, involving the future liberties of the country, the greatest but one that can ever be debated in this chamber, (the question of union and national existence,) what do we behold? Where are the members of that glorious Whig fraternity? Where their great leaders, including the most distinguished and experienced statesmen of the country, and to whom the country mainly looks, and has a right to look, to save it from the impending calamity? Where those to whom the country looks for wise counsel, prompt and energetic action, at such a crisis? And what are they doing? Hesitating and faltering in their arrangements for the coming conflict; disputing about old usages; insisting on personal preferences; distracted by narrow sectional jealousies. When the ground on which they stand is volcanic, and they already feel the throbbing of the smothered elements, instead of flying quickly to the only safe refuge that offers, they stop to gather up a budget of old hobbies, precious old wares, some new, personal, and mixed, altogether load enough to sink a navy; they pause to consider whether some other mode of escape may not present itself; to see if the threatened shock may not pass off without injury. When the real question is, whether all Mexico shall be annexed, they moot the point whether it would be proper to take a slip of it, more or less; and, when the North and the South are threatened by one equal fatality, it is debated whether the slave power should not be hedged in by a proviso! Yes, sir, I regret to say that the *vomito prieto* is not confined to the *tierra caliente* of Mexico. A *politicio vomito prieto* prevails to an alarming extent at the North and East, which I much fear will prove more destructive to our dearest interests than it has done to our brave soldiers in Mexico. And thus, sir, at a period perhaps the most momentous that has occurred in our history, and when all jealousies, sectional and personal, and the jostling of individual ambition should be resolutely disregarded, those of every section, who are anxious to stand by the republic, and rescue her institutions from the dangers that gather round them, are shorn of their strength, distracted, and paralyzed by their own divisions.

Sir, does any of my Whig friends consider that I exaggerate the probability that the issue will be such as I have assumed. From the evidences before them do they consider

it questionable? Why, sir, if there was nothing else to warn them of the nature of the coming struggle, the speech of the honorable chairman of the Committee on Military Affairs, it seems to me, ought to suffice. Have you not seen that able Senator, up to a recent period of his life distinguished for the philosophic vein which runs through all his writings and speeches, fling aside his philosophy and proclaim the superiority of instinct over the conclusions of reason, in estimating military glory as an element of national strength; giving himself up to the encouragement and support of all the extravaganzas of progressive democracy in declaring that he can see no great cause of alarm in the idea of extending our dominion over the whole continent. I mean no offence to that distinguished Senator; I have a high regard both for his talents and his private virtues; but I must say that I am utterly amazed by his remarks upon this subject; I must say of his new course that though it may be fortunate for him, it must be deeply afflictive to his country. But, upon the introduction of the resolutions offered upon this subject by the distinguished Senator from South Carolina, (Mr. CALHOUN,)—and may this Senate ever boast one or more such Senators, who may possess the moral courage to rise above party on a question like this, and give himself to his country alone—what more did we hear from the honorable Senator from Michigan? Sir, it was that the questions presented in the resolutions were mere abstract propositions, which, if adopted, could have no practical operation or influence in preventing the catastrophe against which the resolution was pointed. "Why, sir," exclaimed the Senator, "if the people will the annexation of Mexico, nothing in our power to do can prevent it; you may as well plant yourself upon the brink of the cataract of Niagara and bid the waters be still."

Well, sir, does the honorable Senator really believe that nothing the Senate can do, no resolution that can be adopted here, no declaration of opinion upon this great question, will have any effect with the country or among the people? And has the Senate sunk so low? And is it so that the Senate, which is presumed to be composed of gentlemen of large experience in public affairs, statesmen distinguished for their ability and patriotism in the States they represent, on a question involving the greatest consequences, and such as may decide forever the experiment of free republican institutions, can have no influence with the yeomen of the country—with the farmer at his plough, the merchant at his counter or his desk, the mechanic in his worshop—a class which always look only to the good of the country, which is never disturbed nor biased by dreams of personal ambition, and who value their constitution and the Union as the guaranties as they are of their domestic happiness, the security of their lives and property, and the preservation of their privileges, civil and religious. Sir, I can subscribe to no such conclusion. Sir, does the honorable Senator really suppose that the declaration of his individual opinions and sentiments on this great question, or any other on this floor, can have no weight with the people of this country? If he does, I can assure the honorable Senator that he greatly undervalues the estimation in which he is held in this country, both for his talents and his patriotism. Sir, whenever that day shall come that the opinions of the American Senate can have no influence in correcting the impulses of popular feeling, the hastily formed and ill-considered opinions of the people upon a question involving their liberties, I shall not calculate how long those liberties may endure, or how soon they may perish.

Mr. President, I have reflected much upon the question, in all its grave aspects, and I feel compelled to express the conviction that, as a people enjoying the fruits of a free system of Government, we stand on the very brink of our fate. If we do not stop this war now, or before another new year—one step further in our present course and we shall be borne by an irresistible current, beyond retreat or rescue, into irretrievable misfortune and ruin. If we are saved it will be by the providence of God, not of man.

There is something, Mr. President, in our present relations with Mexico—something so unusual, not to say wonderful, in all the incidents of this war—that, were I superstitious, I should say that a higher power than ours holds the issues of it, and for purposes we may not comprehend. The instances of individual self-sacrifice, of reckless yet successful adventure, of such frequent occurrence in this war, carry us back in search of parallel examples to the heroic ages of antiquity, and seem fitter subjects for fabulous and romantic narrative, than the sober pages of truthful history. There is no record in the history of modern warfare, nor ancient either, of a more brilliant and uninterrupted series of well-fought battles and victorious results against such odds as that which now forms part of the imperishable annals of the republic; and when we contemplate the intrepidity and skill of our officers; the impetuous valor which has distinguished every corps of our army, whether of regular soldiers or of volunteers—a valor which neither natural obstructions, nor military defences, nor a force often five times more numerous, could arrest in their rapid and victorious career—we are involuntarily reminded of the similar and thrilling exploits of Cortez in the same fields of military fame—in the land which, by this double act of conquest, seems devoted.

It is now about three hundred years since that extraordinary man, with a band of adventurers less than seven hundred in number, urged on by two of the strongest passions of our nature, cupidity and religious fanaticism, landed upon an unknown shore, burnt his ships, attacked—and, after enacting scenes so mixed of craft, cruelty, and blood, yet so gilded over with feats of high chivalry and dauntless courage that the muse of history pauses in her task, and hesitates to praise or blame—overthrew a populous and powerful empire. These victorious adventurers were the ancestors and countrymen of that race which ever since has held sway over the conquered country, whatever form the Government has assumed, whether Vice Regal or free. It was an Indian race that peopled the empire which Cortes overturned; and they were the ancestors and countrymen of the same race which now inhabit the land of their fathers. They were made serfs, the hewers of wood and the drawers of water, to their new masters three centuries ago; with some amelioration they continue to be so to this day; though free in name, they still wear the badges of a subject people—still remain the victims of conquest and of their primeval caste and complexion. Whatever faction rules for the hour, they are still the sufferers. What religion fails to exact from them, their proud and insolent conquerors extort, under the pretext of Government support, or to maintain an army which oppresses them in peace and gives them no protection in war. Wonderful retribution! That at the distance of centuries the descendants of the original spoilers should be made to suffer the penalty of the wrongs committed by their forefathers; that they in turn should be trodden under the iron heel of war—be made to pass under the yoke of the conqueror.

Mr. President, if I may be permitted to moralize upon the extraordinary and mysterious vicissitudes and coincidences in the fortunes of nations, I would ask what are our motives, what our purposes in the further prosecution of this war? Are we sure, sir, that the motives of those who direct this war, who put all this chivalry in motion in a foreign land, are not tainted with the lust of conquest? Are we sure that, whatever cause of war may have existed at its origin, other motives and other objects have not supervened less defensible in their character than the rights and honor of the country, the only legitimate causes of war? Are the invaders of this ill-fated country, of the nineteenth century, so pure and upright in all their objects, and so far elevated above the passions of those of the sixteenth, that they may hope to escape the retribution which awaited them, and which has ever awaited the conqueror and oppressor?

It is said of Scipio—not he that overcame Hannibal, but Scipio, the destroyer of Carthage—that when surveying the scene of carnage and desolation around him, and when he saw the wife of Hasdrubal, arrayed in her richest apparel, slowly ascending to the summit of the temple which rose above the conflagration, and thence, after stabbing her children, precipitate herself into the burning elements below, he wept, but it was not over Carthage—Rome rose up to his view with all her crimes and oppressions, and he saw inscribed on the rolls of her future history the sentence of eternal justice that she, too, must fall.

Sir, if any should now desire to know my poor opinion of the proper mode of terminating this war, I say to them, make the best treaty with any existing Government you can. If you must have the territories of New Mexico and California, get a cession of them; if you cannot do that, come back to the Rio Grande—to the bouddary you claim title to, and thus save your honor.

My advice is, Stop the war! Flee the country as you would a city doomed to destruction by fire from Heaven!

2.

SPEECH

OF

EX-GOVERNOR JOHN BIGLER,

DELIVERED AT A

DEMOCRATIC

MASS MEETING,

IN TURN VEREIN HALL,

SACRAMENTO CITY,

JULY 19th, 1867.

SACRAMENTO:
RUSSELL & WINTERBURN, BOOK AND JOB PRINTERS, THIRD STREET.
1867.

SPEECH.

MR. PRESIDENT AND FELLOW CITIZENS: Sincerely anxious to be as correct as possible in statements as well as amounts, I have, for the first time in my life, placed upon paper the substance of what I intend saying to you to-night.

I am confident, my fellow-citizens, that you will give me a patient hearing; because confident that, like me, you are impressed with the belief that at no time since the formation of our Government has greater necessity existed for united and wisely directed action on the part of the American people than at the present moment. The close of the war and the return of peace having devolved upon them the difficult and responsible task of applying correct principles to the solution of the many weighty questions now pending, whether political, social, financial, commercial or international, it is the duty of every lover of his country, its fame and credit, to carefully consider all pending questions, remembering, too, that every lingering feeling of prejudice growing out of the war should "yield to the imperative necessity which exists for improving the conditions of peace."

To discuss satisfactorily and fully all the questions now claiming you attention, and which, in view of their importance, and in point of fact, are deserving of serious consideration, would detain you in this hall longer than you would willingly remain, and I will therefore only notice such as I regard as eminently important to the people at this time.

Mr. President, I believe that good men of all parties, and regardless, too, of past associations and prejudices, now earnestly desire a reduction of National, State and county expenditures. In truth, my friends, this subject now challenges the serious consideration of all; the burden of taxation being greater than the people can bear and either sucessfully or profitably prosecute their various avocations. But, Mr. President, pressing as has been and is the necessity for reforms, the ruling party have permitted nearly three years to roll away, since the war closed, without the inauguration of a single measure having in view a reduction of expenditures and taxation. So far, in fact, from having suggested or matured measures for the relief of the people, the last Congress actually made appropriations to such an amount as to add many millions to the indebtedness of the nation. I say, my friends, the National debt was thus increased by the party in power with a full knowledge, as I maintain, that the people of the nation were unable to meet additional demands upon their purses, and continue to prosper. And, sir, the people have evidently nothing to expect from the leaders of the so-called Union party; they stand pledged to sustain Congress, and thus far have blindly endorsed all of their acts; they dare not denounce *part* of the legislation of Congress, because, as they well know, the effect of such denunciation would be to weaken, to some extent, public confidence in all of their acts. But, sir, the masses, who never were more alive to their own interest than at this moment, have not failed to notice the fact that the leaders of the dominant party are all pledged to sustain Congress, and that they have actually made support of Congress the test of party fidelity. This being true, my friends, the people, and with great unanimity, too, are now looking to the Democracy of the country for the inauguration of such wise and judicious reforms as will in part, at least, relieve them from the burden of taxation, fastened upon them by National and State legislation, and which, as before remarked, in the aggregate, is so onerous as to interfere seriously with nearly all, if not quite all, of the principal business operations of the country.

The people, sir, are taxed either *directly* or *indirectly* upon all articles in general use. So general and sweeping is the system as to include many hundreds of articles in the list. Our opponents, in seeking for objects of taxation, have given evidence of great perseverance and research, and if successful in nothing else, it must be conceded, have been eminently so, in exercising the taxing power, and the squandering of the people's money after collected.

I need not remind you, my fellow citizens, that ten or twelve years ago the present leaders of the now dominant party in this State were

persistent and loud in proclaiming rigid economy in public expenditures as one of the great objects of the party to which they were then attached—taxation, they assured the people, would certainly be reduced to the lowest possible standard compatible with good government. For all the additional information necessary to a full appreciation of their regard for these pledges, you are, my fellow citizens, respectfully referred to the tax receipts now in your possession.

It is also true, my friends, that these same men were, during the war, loud in proclaiming *Union* and *loyal* sentiments; but the war ended, and peace proclaimed, and we then find them united and active in their efforts to prevent harmonious Union by refusing representation in Congress to the people of the States engaged in the rebellion. After having for five years pronounced the doctrine of secession falacious and untenable—after having for years boldly maintained that the States engaged in the rebellion were still *in the Union*, and that the ordinances of secession were of *no effect* in severing them therefrom—new light suddenly flashed upon their benighted minds, and the discovery was made that the said States were actually "*out of the Union.*" This discovery, however, was not made until after the "Rebel States" acting as States *within the Union*, had adopted the constitutional amendment abolishing slavery, and moreover, had declared the ordinances of secession "null and void from the beginning," I say, sir. after having recognized the right of the States in question to act *as States in the Union*, and to do and perfect all required of them by the President of the United States, the Radical leaders, influenced by the new light which, as before stated, had so suddenly flashed upon their minds, not only declared ten States *out* of the Union, but also advocated and obtained the passage of Acts of Congress providing for their reconstruction under the guidance of "military chieftains," with negroes as voters, and recognized as qualified for office.

But, sir, the Democracy, whilst hoping that the people *directly* interested, could, consistent with their own views upon the subject, take part in the reorganization of their respective States' Governments under said Acts, were unanimous in declaring the same as unnecessary, and for the good reason that conforming to the expressed views of the Executive branch of the National Government, the people of the States in question, reorganized after the close of the war—established State Governments, republican in form and in harmony with the Constitution of the United States—adopted the constitutional amendment abolishing slavery—declared the secession ordinances "null and void from the beginning"—repudiated forever the Confederate debt, and by legislation guaranteed freedmen the right of appeal to, and hearing in all the Courts. And whilst it is true that the Democratic press of the country have frankly opposed the reconstruction policy of Congress, it was not so opposed because the Democracy are now or ever were opposed to the immediate and harmonious union of all the States; but, because they regarded the passage of the Acts in question as an admission that the "Rebel States" were out of the Union; this admission the Democracy were unwilling to endorse, and for the reason that they have ever maintained that the ordinances of secession were of no effect, and that the said *ten* States ever have been, and are to-day States *within the Federal Union;* because they regarded said Acts as adapted to subjugated provinces, and not to States within the Union; and moreover, because they honestly believed that the enforcement of said Acts, by military rule, would add many millions to the indebtedness of the nation. President Johnson, in a message recently transmitted to Congress, fixes the amount at *fourteen millions of dollars;* he also in the same able State paper more than intimates, that by these Acts the General Government has assumed the debts of the said States, amounting in the aggregate, to about *one hundred millions.* My fellow citizens these are good round sums for the people of the other States to share in the payment of, as the result of ignorant legislation, or legislation to serve mere party purposes.

Mr. President, I have referred to the views of the Democracy in relation to the reconstruction policy of Congress at some length, not because I feared the influence of misrepresentation, but for the purpose of proving that our opponents have acted inconsistently—care not for the public credit, and that to carry out their party schemes, are willing to expend any amount of the people's money.

But, to return to the discussion of the questions which I more particularly designed noticing at the time I consented to address this meeting, I mean expenditures, indebtedness and taxation, National, State and county.

I need not, I presume, assure you, my friends, that there are, at this time, thousands of men in our country—and many of the number were, if they are not now, members of Congress, who are the fortunate holders of millions in Government bonds, having invested all of their means therein, and upon which they are not required to pay one cent for the support of Government, in payment of the National debt, or the interest thereon. No such liberal spirit, I assure you, has been manifested by the majority in Congress toward the producing classes. The farmer, the mechanic and laborer are taxed *directly* as well as *indirectly.* Directly, under the National Revenue Act, and *indirectly* under the tariff law. Why, I ask, should labor and its products be heavily taxed, and capital to an amount exceeding two thousand millions of dollars be exempted therefrom by Act of Congress?

But to continue. Under the tariff enactment, in 1866, the people of California were *indirectly* taxed to an amount approximating

seven and a half millions of dollars—under the Internal Revenue law to an amount exceeding *seven and a half millions of dollars*. And, although it is true, Mr. President, that the Tariff Act in many of its provisions is quite as unjust as the National Revenue Law, less complaint is heard concerning it, and for the reason that although felt by all, it is *indirectly* so felt, and not generally understood. The increase in prices of articles in general use are noticed, it is true, and often complained of by purchasers and consumers, but inquiries as to the cause are seldom made. In fact, the cause of increase in prices is understood by comparatively few, because the amount paid as tariff is not set forth upon the face of bills of sale. Under the Internal Revenue Law a direct tax is assessed and collected, and the amount exacted is set forth upon the face of the receipts given to tax payers. The oppressive character of the law in question is therefore well understood by all; not so as to the tariff enactment. But were it practicable and convenient for merchants to make the matter plain to all by setting forth on the face of bills of sale the home value, or original cost of each article, and then add thereto the tariff charges, the true character, as well as object of the Act, would very soon be apparent to all.

In explanation, your attention is respectfully invited to a few illustrations, as follows:

100 lbs of coffee at 18 cts per lb	$18 00
Tariff charges 5 cts per lb	5 00
Total	$23 00
20 lbs of tea at 80 cts per lb	$16 00
Tariff charges 20 cts per lb	4 00
Total	$20 00
100 lbs of sugar at 18 cts per lb	$18 00
Tariff 2½ to 4 cts per lb—average 3½ cts.	3 25
Total	$21 25
Ton bar iron, valued at $50 per ton	$50 00
Tariff per ton	17 00
Total	$67 00

Mr. President, these illustrations are not exagerations. In truth, sir, the prices of articles in general use prior to the passage of the tariff Act of 1862, and from which Act I quote, compared with the ruling prices on the 1st of May, 1867, show an average increase exceeding *sixty-five* per cent., and that, too, without corresponding benefits accruing, in any form, to the industrial or producing classes of our country.

In defense of the Revenue enactment, objectionable and oppressive as its requirements and exactions are, its advocates can plead, and truthfully, too, the necessities of the National Treasury. But, sir, the plea of National necessity cannot be truthfully or even plausibly set up in defense of the Tariff Act, and for the reason that a law providing for moderate *ad valorum* duties, would yield a greater amount of revenue than is realized under the Act now in force. The existing law provides for unreasonably high *specific* duties on many articles in general use, and entirely ignores the well established fact that *ad valorum* duties sufficiently high to yield the largest amount of revenue, will also incidentally afford all the protection required by well established manufacturers. The passage of the law now in force, it is well known, was secured by the influence and money of wealthy manufacturers *in* and *out* of Congress, and its main provisions were evidently framed with a view to the advancement of their own interests, regardless of the influence of the law upon the welfare of others.

But, Mr. President, "figures cannot lie," and to the "figures" I now respectfully invite your attention. And first, as to iron, upon which the duties are specific and highly protective:

Tariff per ton on rolled or hammer'd iron,	$18 00
Tariff per ton on boiler and plate iron	25 00
Tariff per ton on pig iron	6 00
Tariff per ton on railroad iron	13 50
Tariff per ton on bar iron	17 00
Iron pipe, on each 100 feet	75

On cotton good the duties are part specific, part *ad valorum*, ranging from 12½ cts per yard to 40 per cent. *ad valorum;* coffee, 5 cts. per lb.; linens average 35 per cent.; pepper, black and red, 12 cts. per lb; woolen ready made clothing, 55 per cent.; salt, in sacks, 24 cts. per 100 lbs—in bulk, 18 cts. per 100 lbs; glass, cut or engraved, 35 per cent.; plain glass, 30 per cent; window glass, $1 per each 100 square feet; tea, green and black, 20 cts. per lb; upper leather, 25 cts. per lb; leghorn hats and bonnets, 40 per cent. I add illustrations thus:

Cost of a suit of men's clothing, plain, without tariff charges	$28 98
Cost of same, tariff charges added	$43 86
Difference and amount of tax on consumer	$14 88
Cost of plain suit of female dress, without tariff charges	$25 87
Tariff added	$34 04
Difference and amount of tax on consumer	$ 8 17
Tariff charges payable by purchaser on 1000 square feet window glass	$10 00
Tariff charges payable by consumers on 100 lbs. black pepper	$12 00

But, my fellow citizens, I will not detain you longer with dry details. Purchasers and consumers, if so disposed, can make their own calculations, using for the purpose the data given, and my word for it, all who will take the trouble will be greatly amazed that amounts so great in the aggregate could have been annually and *indirectly* exacted from their pockets.

In conclusion, my friends, of what I intend saying in explanation of the provisions of the Tariff Act, I desire to add that by an examina-

tion of the law, it will be discovered that so far as its provisions relate to articles manufactured on an extensive scale by wealthy capitalists, whether operating as corporations, firms or individuals, the duties fixed are generally *specific* and highly protective; on articles manufactured on a small scale by skill and muscle, and requiring but a small amount of capital, the duties are uniformly *ad valorum* and mod rate, proving conclusively that the object of the framers of the law was to *protect* and largely increase the profits of wealthy manufacturers, regardless of the other interests of the nation.

So much, sir, for the Radical tariff enactment, and now for an examination of the provisions of the Internal Revenue Law, another radical pet measure, but which I regard as the most unfair and oppresive enactment ever passed by an American Congress. This objectionable law must be so far amended by the next Congress as to remove its odious and unfair features, and reduce rates of taxation, or the people will certainly rise up and demand its repeal.

The expenses of assessments and collections under it can be lessened annually at least $85,000 for California alone, by dispensing with the little army of officials now employed in its enforcement, and transferring their duties to County Assessors and Collectors—the money collected to be paid over to the State Treasurer, and by that official transferred to the National Sub-Treasurer in San Francisco. So well satisfied am I, sir, as to the practicability and safety of the plan which I propose as a substitute for the present system, that I think it unnecessary to trouble you with explanations, or a word of argument in its favor.

In this connection, I beg to state that my opposition is to the law itself, and not to the men now in office under it, except, so far only as political differences are concerned.

Mr. President, many of the provisions of this law are so clearly objectionable, because unjust and oppressive, as to excite the surprise of all who have carefully examined it, that such an enactment should have received the approval of men professing to be the representatives of the people, their rights and interests. The inquisitorial powers given to Assessors under the Act, are unnecessary as well as excessively annoying to tax-payers I have had several months experience, and I well know, that it is comparatively an easy matter, and certainly not an unpleasant one, to obtain from all correct and honest returns. I also know that in most cases of alleged false or eroneous returns, the Assessors were themselves blameable, having failed to explain the law to tax-payers, as directed by the printed instructions of the Commissioner of Internal Revenue. The law is far from being clear in its provisions, and to understand it requires much time and careful study—more time, in fact, than can be devoted to matters of the kind by any portion of the business men of our country.

The Constitution of the United States, it is true, provides in strong and clear terms against unnecessary and vexatious searches, but in the opinion of the majority of the Congress which passed the Revenue Act, the Constitution would seem to have been regarded as a dead letter, for Assessors are empowered to examine your books, search your drawers, pry into all the secrets of your business operations, and if wickedly disposed may make disclosures injurious to your credit and business prospects. Assessors in the exercise of the powers conferred by the amended Act of March 26, 1867, may charge an innocent tax-payer with having made a false return—assess additional tax to any amount—add an equal amount as penalty, also a fine, to finish up the job, and the accused must submit to the wrong, Congress having by express provision of law closed the Courts to all complaints with a view to restraining the assessment or collection of taxes.

Section 19th of the amended Act of March 26, 1867, on page 28, reads as follows:

"Section 19. *And be it further enacted,* That "no suit shall be maintained in any Court for "the recovery of any tax alleged to have been "wrongfully or illegally assessed or collected "until appeal shall have been made to the Com- "missioner of Inrernal Revenue (Washington) "according to the provisions of law in that re- "gard and in pursuance thereof, and a decision "of said Commissioner be had thereon, unless "such suit shall be brought within six months "from the time of said decision, or within six "month from the time this Act takes effect; "*provided*, that if said decision should be de- "layed more than six months from the date of "such appeal, then said suit may be brought at "any time within twelve months from the date "of said appeal; *and no suit for the purpose* "*of restraining the assessment or collection of* "*tax shall be maintained in any Court.*"

Now, sir, under this section aggrieved parties are denied the right of appeal to the Courts, and tax payers will hereafter have to quietly submit to any amount of extortion which an ignorant, prejudiced or over-zealous Assessor may see proper to demand. Fortunately, sir, I am not compelled to rely upon my own interpretation of the section of law quoted. The prejudiced or ignorant action of an Assessor in the State of New York has brought into conspicuous notice its iniquitous character. About the 25th day of April last, Judge Hall, as U. S. Circuit Court Judge at Buffalo, New York, after having given the section of law referred to careful consideration, actually dismissed two cases which had been commenced in his Court. Although fully satisfied that Adams & Co., plaintiffs in one of the cases, had made an honest and correct return, Judge Hall was compelled to refuse a hearing and dismiss the case. The other case, although less important, so far as amount was concerned, was equally clear and just. In explanation I will now read you

an article from the Buffalo *Courier*, relating more particularly to the case of Adams & Co.:

"Judge Hall, as District Judge of the Northern District of New York, has within the last week dismissed two suits in equity commenced in the Circuit Court of the United States. When these suits were brought the Court had jurisdiction; but the Judge is compelled to dismiss them for the reason that by the Act of Congress referred to it is made a misdemeanor to entertain them. One of these suits was brought by James Adams & Co., to restrain the collection from them of $65,933 75 which B. H. Bagnall, on the 14th of April, 1866, as Assistant Assessor of the Twelfth Division of the Thirtieth Collection District of New York, had assessed against them. He states in his assessment list that the amount is '*assumed* and *estimated* on the best information he had and could obtain.' James Adams & Co., who are manufacturers of tobacco, had made their regular monthly returns to the Assessor of this District as required by law. They had paid regularly to the Collector of the District the duties assessed upon their returns. Some officer in the Internal Revenue Department 'assumed' such returns, although sworn to by these respectable citizens, to be untrue. He 'assumed' and estimated on the best information he had and could obtain—what such information was does not appear—that this firm was deficient in duties to the amount of $65,933 75. His assumption and estimate is not sworn to, nor is there any intimation of the evidence or assumption upon which it is based.

Messrs. James Adams & Co., knowing they had committed no perjury in making the returns and that they were true, applied to the United States Circuit Court for an injunction restraining the Collector from making distraint upon them for this sum until the case could be legally investigated and an opportunity afforded them to be heard. The Court granted a temporary injunction, and called the revenue officer from his back room, where he had made the secret assessment, to show openly in its presence why he 'assumed and estimated' that James Adams & Co. had committed perjury and were deficient in the sum 'estimated' by him. But before the requisite information could be had, Congress takes from the Court the power to make an inquiry, and expressly prohibits any other Court from taking cognizance of this or any other similar case.

The result of this legislation is that the $65,933 75 must be paid. The *informer* then will claim and receive *his half* of the amount, and Messrs. James Adams & Co. have the privilege of living 'under a republican form of government' and the satisfaction of seeing the informer building houses and feasting on their honest earnings. This is not an isolated and exceptional case. There are those of a similar character in this District, and in many other districts in the country. The lust for gain on the part of Assessors, the animosities growing out of business rivalry, personal and partisan hatred, and kindred causes, give rise everywhere to just such outrages as the one we have sketched; but the American citizen has no remedy at law. The power of confiscation by Internal Revenue Assessors is unchecked by any of the forms of procedure known by the Courts."

Mr. President, I have correctly quoted the section of law, and I now ask you, is there not in its extraordinary provisions just cause for alarm on the part of business men generally? No redress is attainable in the Courts. Whoever the Assessor may choose to accuse of having made a false return is, without a hearing, to be regarded as guilty, and the proper officer is authorized to levy upon and sell such an amount of the property of the accused as he may regard sufficient to cover the amount claimed as tax, penalty and costs. The closing paragraph of the section is not only wickedly unjust, but is also at variance with and repugnant to former usage. The Act of March 2, 1833, and which, as a whole, is still in force, declares that "*The jurisdiction of the Circuit Courts of the United States shall extend to all cases in law and equity arising under the Revenue laws of the United States.*" And, sir, the Internal Revenue Act of June 30, 1864, declares that the provisions of the Act of March 2, 1833, "*shall extend to and embrace all cases arising under the laws for the collection of the Internal duties.*" But, as all sections of law inconsistent, or in conflict with the amended Act of March 26, 1867, are declared repealed, the section quoted must be regarded as covering all cases which may arise under it.

Sir, in justification of the odious section of law quoted, it may and probably will be contended that parties aggrieved by the official action of an Assessor or Collector may appeal to the Commissioner of Internal Revenue at Washington City, and after having obtained his decision, if not satisfactory, appeal to the Courts. What a gracious concession is this to wronged tax-payers! But, I ask, how are aggrieved parties to obtain a full and fair hearing at Washington? Can merchants send their books, papers, book-keepers, and other witnesses to Washington to obtain a hearing before the Commissioner? It is true that all required may be complied with, but I ask you to figure up the bill of expenses to be incurred by the California merchant, or business man, to obtain a full hearing before the Commissioner at Washington. Then again it is fair to assume that the Commissioner, if he has sufficient confidence in the capacity and honesty of an Assessor to retain him in office, will, at least, have a strong leaning in his favor, and be inclined to receive his statements as more likely to be reliable than the statements of parties, or the witnesses of parties, seeking relief, and therefore cannot be regarded as an impartial judge. In truth, my fellow

citizens, the design of the section is apparent and cannot be mistaken. It closes, and was evidently framed with a view to closing the Courts to all complaints against Assessors, Assistant Assessors and Collectors, no matter how grossly unjust or oppressive their acts, and in effect sanctions a denial of justice.

Section 45, page 28—same Act—reads as follows:

"That in all cases of restraint and sale of "goods or chattels for non-payment of taxes, "duties or licenses, as provided for, the bill "of sale of such goods or chattles given by the "officer making such sale to the purchaser "thereof, shall be *prima facia* evidence of the "right of the officer to make such sale, *and* "*conclusive evidence of the regularity of his* "*proceedings in selling the same.*"

Sir, this section follows section 19 in the Act of March 26, 1867, on page 28, and is found just where it should be, because equally iniquitous. No matter how illegal, irregular or fraudulent may have been the conduct of the officer in levying upon, giving notice and making sale of goods or chattles, the bill of sale prepared and signed by the official *himself* is to be regarded as "*conclusive evidence of the regularity of his proceedings.*" I say, sir, the conduct of the officer making such sales, no matter how dishonest or corrupt may have been his action in the premises, or how clear the proof of his guilt, his proceedings cannot be reviewed and corrected, because suits for the purpose "*cannot be maintained in any Court.*" I ask you, my fellow-citizens, is it not surprising that such a law should have received the sanction of Congress? But remember friends, it was passed by a Radical Congress. As before remarked, sir, there are other provisions of the law under consideration which are objectionable and should be amended. The assessment and collection of revenue under it, as before stated, cost the Government a much greater sum of money than need to be expended for the purpose. The law as it now stands, authorizes the appointment of one Assessor and one Collector for each of the five Revenue Districts in California, and one Assistant Assessor and one Deputy Collector for each Division, being one of each for each county in the State. San Francisco, I believe, has thirteen Assistant Assessors and two or three Deputy Collectors. Sacramento city and county has two Assistant Assessors and two Deputy Collectors, and if there is a single county in the State not blessed with the presence of one of each of the officials referred to, I am not aware of the fact.

The Assessors, Assistant Assessors, Collectors and Deputy Collectors, Clerks, Agents, Revenue Inspectors, and Inspectors of whisky, cigars, tobacco and snuff, number not less than one hundred and ten; and this little army of Government officials are all liberally compensated for their services. Assessors and Collectors are paid $10 per day, and in addition are allowed a liberal per centage on the whole amount collected. The compensation of Assistant Assessors, Deputy Collectors, Clerks, Agents and Revenue Inspectors, averages about $8 per day, for each day actually employed. The Inspectors of whisky, tobacco, cigars and snuff are authorized to demand fees.

In 1866, the Internal Revenue collected in California amounted to ($7,609,433) seven millions six hundred and nine thousand four hundred and thirty-three dollars. The aggregate amount paid for assessments and collections annually in California, I have not been able to ascertain so accurately as desired, but the amount is large, leaving margin sufficient for a saving of all of $85,000 to the Government by amending the law and transferring the duties now performed by officials of the General Government, to State and county officials.

Total amount of expenses incurred in the assessment and collection of Internal Revenue —all of the States and Territories included— for the year 1866 (compensation of officials and expenses of Internal Revenue office at Washington not included), as officially reported, are as follows:

Compensation and expenses of Assessors	$ 965,079
Compensation and expenses of Assistant Assessors	3,068,964
Compensation and expenses of Collectors	2,161,710
Compensation and expenses of Revenue Agents	35,445
Compensation and expenses of Revenue Inspectors	121,078
Amount of commission on sale of stamps	786,536
Total amount for the year 1866	$7,138,812

This large amount, by the adoption of the mode of assessment and collection before proposed, can be reduced full one half.

Mr. President, I have before, in general terms, referred to the exactions from the people authorized by the Internal Revenue Act as onerous, and expressed the opinion that the rates of taxation should be reduced full one half. In proof of the oppressive and onerous requirements of the law, I will now invite your attention to facts undeniable, and "figures" so placed as not to "lie."

About one hundred of the citizens of Sacramento city and county who, during the year 1866, were engaged in manufacturing tin ware, wagons, carriages, saddlery, boots, lager beer, machinery, candy, and interested in banks, bridges and ferries. These men were by the Revenue Act required to report amount of actual sales and transactions on or before the 10th of each month for the preceding one. For each of the months of October, November and December, 1866, and January and February, 1867, these men were taxed to an amount exceeding in the aggregate the sum of $3,500 for

each month, amounting for the year to all of $42,000. The amounts paid by brewers, who also reported monthly, but who used stamps, is not included in the $42,000. If included, the amount would, of course, be largely increased and average to each of the one hundred men not less than $450 per annum. Onerous as is this monthly tax, the men required to pay it are also compelled to pay an annual income tax, as are all others, included in which is one per cent. upon the whole amount of sales before reported and paid upon monthly, and five per cent. upon the net profits of the same. I now ask you, my fellow citizens, have I been unjustly severe in my denunciations of the objectional provisions of this law? Are not the complaints of the people well founded?

But to proceed. In 1866, Mr. President, the people of California were taxed *directly* and *indirectly*, and for National, State, county and municipal purposes, an amount exceeding $24,000,000, as follows:

For National Government under Tariff Act	$ 7,455,913
For National Government under Internal Revenue Act	7,609,433
For National Government by sale of stamps	455,000
For support of State Government	3,841,716
For support of county and city Governments	4,852,167
Total	$24,214,229

Now, my friends, these separate amounts, as well as the aggregate, will doubtless greatly surprise all who have not given the subject careful investigation. But, to proceed. The funded debt of the State on the 31st of December, 1866, was $5,322,000. But, as the State has assumed and by law is bound to pay interest at the rate of seven per cent. per annum, for twenty years from July 1, 1864, on bonds of the Central Pacific Railroad Company to the amount of $1,500,000, I maintain that it is fair to include that amount, as forming part of the State debt, at this date, making the entire am't. $ 6,822,000
In 1866, the funded debt of the several counties was 8,513,757

Total amount of State and county indebtedness $15,335,757

The bonds of the State bear interest at the rate of *seven* per cent. per annum, amounting annually to the sum of $477,540. The rate of interest on the bonds of the counties average *eight* per cent per annum, amounting each year to the sum of $861,900. These figures, my friends, if correct, and I believe they will be found so, establish the fact that the people of California are taxed annually for the payment of interest, on State and county bonds alone, the sum of $1,339,440. And, my friends, at the end of the twenty years for which the State is bound by law to pay interest on $1,500,000 of the bonds of the Central Pacific Railroad Company, the people of California will, in that form, leaving entirely out of view the large sums voted by San Francisco, Sacramento and Placer counties, have contributed $2,100,000 in aid of that great work.

The expenditures of the State Government for the year 1866, one year after the close of the war, interest included, amounted to $3,623,271, being more than *double* in amount the expenditures for either of the years 1854, 1855 or 1856. The expenditures for fiscal year ending June 30, 1854, were $1,204,757; for fiscal year ending June 30, 1855, $1,377,496; for fiscal year ending June 30, 1856, $1,368,684. The comparison of expenditure is made with the years 1854, 1855 and 1856, because included therein are the expenses incurred in the erection of the State Prison, State Prison wall, Insane Asylum and the furnishing of the Prison and Asylum. In view of the fact that during the entire time occupied in the erection of the public buildings named, labor and material were high in price, and State warrants at least thirty per cent. below par, I must say that I am at a loss to understand why the expenditures of the State Government for the year 1866, every cent of which, I believe, was paid in coin, should have been so much greater in amount than for either of the years 1854, 1855 or 1856. Why, sir, a depreciation in State warrants in 1866, equal to the depreciation during the years referred to, would have added an additional million, and in the aggregate the expenditures for the year 1866 must have exceeded four million seven hundred thousand dollars.

In 1854, 1855 and 1856, but *sixty cents* on each one hundred dollars of valuation was assessed as sufficient to defray the expenses of the State Government. In 1865, tax for State purposes was assessed at the rate of *one dollar and fifteen cents*, being an actual increase equal to *fifty-five* cents on each one hundred dollars of valuation.

The amount of State indebtedness bearing interest at the rate of seven per cent. per annum December 31, 1866, was $6,822,000; amount bearing interest June 30, 1857, $3,550,000. Increase in amount of State debt since June 30, 1857, $3,272,000.

Verily, my friends, these figures conclusively prove that the Reformers who acted so conspicuous a part years ago, and who are now prominent, if not leaders in the party in power, have no exceedingly brilliant record to point to as proof of either administrative capacity or regard for their published pledges.

It was Isaac Walton, I believe, who said that eels cared not for *skinning*, because *used* to it. The men now in power seem to act upon a like belief as to the people, who have been so often *skinned* by tax gatherers as to become "*used to it*," and to regard the infliction as one to be endured without murmuring.

In 1866, as you will all doubtless long remember, the leaders of the dominant party in the Legislature resolved upon the enactment of a "Registry Law," and if they had then framed and passed an Act plain and clear in its provisions, and one which could without embarrassment have been conformed to by legal voters, not a word of complaint would have been heard. But I know well that you will sustain me in the declaration that a more unintelligible and ambiguous string of sections, purporting to be law, were never sanctioned by any Legislative body. The Act in question, in truth, is so ambiguous in terms as to actually confuse citizens as to what is required of them. It is, also, so loose in some of its provisions as to open wide the door for the perpetration of frauds upon a grand scale by Registering officers, if dishonest. It also adds largely, and, I think, unnecessarily, too, to the expenses of the several counties of the State. The Registering officer is paid by the county *twenty five* cents for every name entered upon the Great Register. The cost of printing the names on the Great Register will average $500 to each county. The amount paid for San Francisco, is reported to be $5,000; for Sacramento, $1,500. To this must be added the printing of the poll lists, which will cost not less than $350 for each county, and also the per diem of the officers appointed to superintend enrollments on the poll books. This unintelligible and expensive enactment must either be repealed or so amended as to leave only the title and enacting clause on the Statute book.

Notwithstanding, sir, expenditures and taxation have been increased to an alarming extent, and in so many different forms, not a word of censure or complaint escapes the lips of the leaders of the party in power. No measures, as before stated, have by them been inaugurated for the relief of the people. Why this silence at a time when all who favor retrenchment and reform should speak out boldly. I say, sir, the time has arrived for judicious but efficient action to secure a reduction of expenditures and taxation, and the people should turn their backs upon every aspirant for position who is not bold in the advocacy of the measures necessary to justify a reduction of State and county taxation.

Mr. President, I will detain you a few moments longer in the discussion of matters interesting exclusively to the people of California, and will then proceed to set forth facts and figures relating to National indebtedness and expenditures.

I have shown you, my friends, that the people of California in 1866 were taxed *directly* and *indirectly*, to defray Notional, State, county and municipal expenses, to an amount exceeding *twenty four millions of dollars*. I have, sir, carefully and thoroughly examined the subject of expenditures in all of its ramifications, and satisfied myself that this amount, by wise and judicious reforms, can be reduced nearly, if not quite one half, and that, too, without detriment to the credit or efficiency of the National or State Governments. And need I, in this connection, assure men so well informed as you are, that ten millions of dollars left in the pockets of the people, instead of being taken therefrom in the shape of taxes, must have a more encouraging influence upon the business operations of the State than the yearly introduction of ten millions of additional capital. So overwhelming in importance, and so direct in its effects upon all, is this question of reducing National and State expenditures and taxation, that the people, in my opinion, cannot longer remain as indifferent thereto as they have been in past years. They certainly will, in September next, refuse to cast their votes for men for high places who are charged by the leading press of the State with having around them a "Ring" of corrupt and selfish men.

Mr. President, the subject of National expenditures, taxation and indebtedness demands the grave consideration of the people of California, because they are responsible for their portion of it. The people of this State, in common with the people of the Nation, are heavily taxed, and annually, too, to meet accruing interest upon the Government bonds, whilst the said bonds, in the hands of wealthy capitalists, monster corporations and members of Congress are, by the law authorizing their issuance, exempted from taxation. For the fiscal year ending June 30, 1867, the interest on the National debt, it is estimated, will amount to the sum of *one hundred and forty-one millions five hundred and forty-two thousand and sixty-eight dollars* ($141,542,068.)

With these figures staring the Republican majority in Congress in the face, measures received their approval which must add many millions to the indebtedness of the Nation. I say, my friends, with these figures staring them in the face, the majority in the Thirty-ninth Congress voted each of themselves $2,000 additional annual salary, amounting in the aggregate—all the States represented—to $636,000. Verily, Mr. President, the Republicans in Congress are not indifferent to the importance of replenishing their own pockets if they are so as to the condition of the National Treasury and the National credit.

On the 1st of Nov., 1865, the National debt amounted to $2,740,854,750; on the 1st of July, 1866, it amounted to $2,783,125,879, having in two years increased over forty-two millions, and that, too, with large amounts appropriated by the Thirty-ninth Congress still remaining in the Treasnry. It is true, too, that the gold premium is as high at this date as in July, 1865. It is also true, and surprising as true, that the amount of Government paper outstanding is equal, if not greater, in amount at this date than in May, 1865. It is also matter of surprise that the requirements of the Freedmen's Bureau since March 1st, 1867, a little over four and a

half months, should have exceeded the estimates several millions of dollars. It is also true that the expenses already incurred in giving effect to the reconstruction policy of Congress amounts to a sum much grea er than expected; and the President, as before stated fixes the total amount at *fourteen millions of dollars*. It is also true that Senator Wilson, of Massachusetts, has reported a bill authorizing the organization of four additional Regiments of Volunteers, and appropriating $1,648 000 to pay amounts due to volunteers in the service at this time.

The appropriations made by the Thirty-ninth Congress largely exceeded the estimates of the Secretary of the Treasury. The estimates are as follows:

Civil service	$ 42,165,590
Pensions and Indians	17,609,641
War Department (including $15,000,000 bounties)	72,687,871
Navy Department	43,9-2,457
Interest on public debt	141,542 916
Total	$321,988,484

But, startling as are these amounts in the aggregate, it is proper to assure you, my friends, that it does not include the expenses of the Freedmen's Bureau; nor does it include private bill appropriations, or such bills as authorized expenditures without definitely fixing amounts.

The President in his veto message stated that the appropriations required for the Freedman's Bureau for the year 1866, amounted to $11,745,000, and this sum, large as it is, we are now assured was found to be insufficient.

Now, sir, the expenditures of this Bureau for the year 1866, were greater in amount than the expenditures of the Navy Department for any single year prior to the year 1853, and the peace expenditures of the War Department for *fifty-two* of the seventy-seven years officially reported, were actually less in amount per annum than the reported expenditures of the Freedman's Bureau for the year 1866.

But to continue. The entire expenses of the General Government from 1789 to June 30, 1861, a period of seventy-two years, amounted to $1 554,358,789.

Total amount of expenditures from July 1, 1861, to June 30, 1867, $5,803,529 876

Total amount of expenditures for the support of the General Government for the fiscal year ending June 30, 1861, $85,387,313; for the fiscal year ending June 30, '66, $1,144,072,666. Difference in amounts between the expenditure, of the years 1861 and 1866, $1 058,685,353.

The total amount of National indebtedness on the 30th of June, 1861, was $96 096,922. Total amount of National indebtedness July 1, 1866, 2,783,125,879. Actual increase $2,687,358,956.

The total amount of interest paid on National indebtedness for the year ending June 30, 1862, was $13,190,324.

Amount estimated by Secretary of Treasury for year ending June 30, 1867, $141,416 911.

Amount of interest actually paid for the fiscal year ending June 30, 1866, $133,067 741.

The total amount of greenbacks and fractional currency outstanding January 1, 1867, was $608,817,226.

To superintend the issuance of paper money a new Department of Government has been established called the "Currency Bureau," and for the year ending June 30, 1866, there was expended by this Bureau in the purchase of paper, engraving plates, printing of greenbacks and compensation of officers the sum of $797,634.

These paper issues encouraged the establishment of banks, and on the 1st of October, 1866, there were 1,663 organized National Banks, with a circulation of $292,671,753.

Since the 4th of March, 1861, five additional Bureaus or Departments of Government have been organized by the "powers that be" The "Freedman's Bureau"—the "Internal Revenue Bureau"—the "Currency Bureau"—the "Agricultural Bureau," and "Statistical Bureau"—providing good fat places for hundreds of active adherents of the dominant party, and increasing largely the expenses of Government.

Estimates of the Secretary of the Treasury for year ending June 30, 1868: Total receipts, $436,000,000; Expenditures, $350,247,641—in which is included $64,000,000 bounties, authorized by last Congress; also amount required to pay interest on the National Debt. Estimated increase of Expenditures for 1868 over 1867, $65,934,466.

Under the Internal Revenue Act for months of July, August and September, 1866, the tax collected on made clothing—boots, shoes, hats and other necessary articles of dress—cloth and fabrics of cotton—cloth and fabrics of wool—amounted to $7,263,350; for the year $30,053,400—which sum was added to the prices of the taxed articles, and in point of fact consumers had to pay the whole amount.

These figures, carefully compiled from official reports of the Secretary of the Treasury, are believed to be accurate, and are, therefore, commended to your careful consideration.

Well may our astute Secretary of Treasury shake his head and deplore the recklessness of Congress in making appropriations. Well may Greeley complain that "swindling contractors, who figured during the war, are permitted to roll along the avenues in New York City in emblazoned carriages without having been imprisoned a day or fined a dollar for their crimes."

Mr. President, the credit of the Government must be sustained; every cent of National, State and county indebtedness must be honorably paid—the people demand it—and it therefore is the duty of all good men to favor rigid economy in our expenditures, and to hold all officials to a strict accountability.

My fellow citizens, with your consent I will

detain you a few moments longer in comparing the receipts and expenditures of our Government with the receipts and expenditures of England, France and Russia, the other three great powers of the world.

For the year 1867 the British Chancellor of the Exchequer estimated the income of his Government at $346,700,000; the expenditures at $340,670,000.

For the fiscal year ending June 30, 1867, the Secretary of the Treasury estimates the receipts of our Government at $475,061,364; the expenditures at $315,478,079.

In these reports two startling facts are certain to arrest the reader's attention. The first is the fact that the greatest item of expense in both Governments is the interest on National indebtedness. The next, and which is equally startling, is the fact that upon a debt of about *two thousand five hundred millions* ($2,500,000,000) we annually pay interest to the amount of $141,542,916; whilst England, upon a debt of full *four thousand millions*, pays annually but $130,000,000. Obviously, my fellow citizens, this is because the rate of interest upon our debt is greater than the rate of interest paid upon the British debt. But why, I ask, should this be so? At the date our rate of interest was fixed there certainly existed no good reasons for the difference in the rates.

But as it is my purpose to give this inquiry more full consideration hereafter, I will now proceed to notice briefly the financial reports of France and Russia.

The French Minister of Finance, in his report, fixes the receipts of his Government for the year 1867 at $334,490,317, and the expenditures at $304,755,122.

The Russian Minister of Finance reports the receipts of his Government, for the year 1865, as having been $334,538,414; the expenditures $330,558,414.

Now, sir, if asked the object of the financial comparisons which I have so carefully presented for your consideration, my reply would be that, in my opinion, the time has fully arrived for a return to rigid economy in the administration of the affairs of our Government, and that I regard the comparisons given as well calculated to arrest the attention of the American people and arouse them to the great importance of demanding reforms such as their interests and the credit of the Government require. For one, sir, I am not prepared to believe that the American people can, or will, regard with indifference the fact that they are now more oppressively taxed than the subjects of Queen Victoria, or those of the Emperors of France or Russia. Our Revolutionary fathers evidently intended to give those, to follow them, a plain form of Government, and one, too, the administration of which should not, at any time, be so expensive as to burden the people with taxation. And although more than sixty years had rolled away and two expensive wars—one with Great Britain, the other with Mexico—in the meantime had been prosecuted, and California acquired, never until after the commencement of the rebellion, and under Radical rule, was it found necessary to collect a direct tax from the American people.

I repeat, Mr. President, that it is now our duty to exert all of the ability with which God has blessed us, and all of our energies, to secure such a reduction of expenditures as will certainly preserve the National credit and render unnecessary the visits of the National tax gatherer.

We, sir, all know—all concede—that the increase in the expenditures of our Government for several years past in the main was caused by the war prosecuted for the preservation of the Union, an object alike important to American citizens. But, sir, the patriotic character of the cause does not relieve us from the important duty of now laboring earnestly for the reduction of taxation, and also of expenditures, to the lowest standard possible without injury to the efficiency or credit of the Government. And our political opponents, now the ruling party of the country, having, as before remarked, failed to take action in the premises, it is the duty of the Democracy to carefully mature and boldly declare for a system of reform in every branch of our Governments, National as well as State. I now ask is there a Democrat within the sound of my voice to-night who is not prepared to say amen to this suggestion, and rally to the post of duty?

I have said, Mr. President, that in the main the rebellion caused the increase in National expenditures and indebtedness, but I certainly cannot and will not concede that it was the only cause. I say, sir, that unwise legislation, mismanagement of Governmental affairs, and the dishonesty as well as inefficiency of favored officials and agents of the party in power during the past six years added many millions, perhaps hundreds of millions, to the National debt.

In so assuming I am sustained by Senator Hale, of New Hampshire, who, in his place in the United States Senate, in speaking of the frauds and corruptions of his own party, said:

"I declare upon my responsibility as a Senator, that the liberties of this country are in greater danger to-day from the corruptions and from the profligacy practiced in the various departments of the Government than they are from the enemy in the open field."

Also, by Mr. Dawes, Republican member of Congress from Massachusetts, who, in a speech in the House of Representatives on the subject of the extravagance and frauds of the Administration, said:

"In the first year of a *Republican Administration*, which came into power upon professions

of Reform and Retrenchment, there is indubitable evidence abroad in the land that somebody has plundered the public treasury well nigh in that single year as much as the entire current yearly expenses of the Government during the Administration which the people hurled from power because of its corruption."

Also, by the report of the Investigating Committee of the House of Representatives, from which I will read a brief extract:

"The following table, compiled from the testimony of Mr. Coblens, Mr. A. C. Hall and Mr. John F. Pickrell, and the reports of Colonel Belger and General Meigs, exhibit Mr. Coblens' transactions with the Government in the chartering of transports for the War Department:

Name of Vessel.	Cost of Vessel.	Rates of Charter.
Steamer Patapsco.....	1,200	85 per day.
Steamer Baltimore.... .	21,500	250 per day.
Steamer Telegraph.....	7,000	125 per day.
Steamer James Murrray.	9,333	100 per day.
Steamer Lioness.....	5,000	45 per day.
Steamer Edwin Forrest..	4,500	40 per day.
Steamer Fairy Queen....	4,000	40 per day.
Steamer Cecil.....	5,000	80 per day.
Steamer Haswell.....	3,000	40 per day.
Steamer Lily.....		35 per day.
Barge Delaware..	2,000	70 per day.
Barge Miss Mary...	2,250	25 per day.
Barge John Warner.. ..		12 per day.
Total..... 65,283		947 per day.

"The rules of arithmetic (say the Committee) show that Mr. Coblens was receiving money from the Government at the rate of $344,655 on a capital of $65,283, which is equal to 529½ per cent. on his investment."

"In addition to this monstrous swindle, the Department allowed Mr. Coblens five per cent. on receipts, and two and a half per cent. on investments. No wonder that Coblens became suddenly rich; and is it any wonder that when these things are allowed to such men, in defiance of all that is honorable, and without law, that one of the heads of the Departments can afford to present his daughter with a $3,000 shawl, a $35,000 residence, and other things?"

Need one word more be said in proof of the statement that by fraud and corruption many millions, perhaps hundreds of millions, were added to the debt of the Nation?

Sir, it is also true that the men who have ruled the Nation since March 4th, 1861, have placed conspicuously upon record many glaring proofs of want of administrative capacity, such as would, under other circumstances, have called down upon their heads the severest denunciations of the press and people of the country. I say, sir, that statesmen of enlightened, enlarged views, and less selfish in *animus*, never would have consented to a rate of interest above four and a half per cent. per annum on the Government bonds, nor would they have been so unfaithful to the people, so unjust to all the other interests of the Nation, as to have consented to the exemption of the National bonds from taxation, thus making the holders of them a sort of privileged aristocracy.

Now, sir, the very men, *in* and *out* of Congress, who advocated the high rate of interest, had previously published hundreds of columns of statistical and other matter relating to the resources of our country, proving that they were more than ample to meet interest when due, and finally liquidate the principal; and, moreover, that the credit of the Government was too carefully guarded to be shaken by any condition of things likely to be forced upon us. The resources of the country being undeniably more than ample, and the credit of the Government well guarded, there certainly existed no good reasons for fixing the rate of interest above four and a half per cent., especially as in the same Act the bonds were exempted from taxation.

Now, sir, it has been charged, and, I believe, has never been denied, that many of the members of Congress who advocated the high rate of interest are now the fortunate holders of Government bonds to the amount of many millions, which bonds by their own votes were exempted from taxation and the interest required to be paid in gold coin. But, sir, as our opponents, without regard to name or other differences, are pledged to sustain the legislation of Congress, it is not probable, my friends, that the leaders will dare raise their voices in condemnation of this grave Congressional error.

Why, sir, the interest fixed at 4½ per cent. instead of six, would have reduced the amount of interest to be provided annually by taxation upon the people all of *thirty millions of dollars*, and a tax of one half of one per cent. upon the National debt, would have yielded an additional *ten millions*, making in all, and annually, too, a difference of *forty millions* in favor of the taxpayers of the nation.

My fellow citizens, to prove to you that the men now in power must be checked in their mad career of extravagance, if we would save the credit of the nation so dear to us all, I have carefully reviewed and examined National and State expenditures and indebtedness, and especially have I been careful in fixing amounts. And, sir, should errors be discovered, which I very much doubt, they will be so insignificant in amount as not to weaken the positions taken, or give grounds for the charge of designed inaccuracy. In fact, sir, I have confidence that although my conclusions may be assailed and recommendations denounced as untimely as well as impracticable, there will be no room for the charge of wilful misrepresentation.

A word or two more, my fellow-citizens, and I will then close. If I believed, my friends, that you were not now, one and all, fully aroused to the great importance of the issues pending and to be decided in September next, I would even at this late hour continue my remarks, and implore you to shake off indifference to the great work before you, and beg you to rally unitedly and energetically in support of your State and county tickets. A complete Democratic tri-

umph in September next, depend upon it, will exercise a powerful influence favorable to the radical reforms necessary to secure a material lessening of the burden of taxation now weighing so heavily upon the energies of the people. The Democracy stand pledged to labor earnestly and in good faith for retrenchment and reform, and must not, and will not falter in the good work. My fellow citizens, bear in mind the fact that the Democracy are in no form, directly or indirectly, responsible for any one of the oppressive measures now complained of by the people; our opponents alone are responsible for the increased taxation with which the people are now oppressed, and thus far, as before stated, have failed in suggesting or inaugurating measures of relief. Don't permit them to dodge the responsibility by indulging in professions of *loyalty* and the abuse of men more faithful to the cause of Union than they have ever been. Force them to face the issues and to either oppose or advocate a reduction of taxation and expenditures.

It is, my friends, unnecessary to add more than a word or two in relation to the negro suffrage question, the coolie question and the labor question. So far as these important questions are concerned, we all, I presume, cordially indorse the views enunciated by the Democratic State Convention. And, my friends, I earnestly hope that you appreciate, as you should, their great importance and are prepared to struggle manfully to secure for them the endorsement of the people of California.

In conclusion, I implore you, one and all, to give careful attention to registration, and the enrolling of your names on the poll list. In this important matter trust to no one—act each for yourself, so as to be fully prepared for the work before the arrival of the day for active efforts.

Our opponents have State and county tickets made up in part of men who are mere politicians, and who are charged by influential men of their own party with having around them a "ring" of the most corrupt men in the State, and moreover with having in view railroad and tide land swindles gigantic in proportions.

We, fellow Democrats, have able, honest and acceptable men to do battle for; men without spot or blemish, and should we fail in electing our State and county tickets, it will be because less energetic and active than we should have been. But, we will not fail; we are all fully impressed with the great importance of the struggle; we have one and all resolved to triumph, and gloriously triumph we must and certainly will.

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THE TARIFF.

SPEECH

OF

HON. WILLIAM W. BOWERS,

OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

JANUARY 8, 12, 15, AND 16, 1894.

WASHINGTON.
1894.

SPEECH

OF

HON. WILLIAM W. BOWERS,

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes—

Mr. BOWERS of California said:

Mr. CHAIRMAN: In some remarks made in the Fifty-second Congress when a bill similar to this was pending, which was intended to give some manufacturers a bonus at the expense of the wool-grower, I said:

I have sometimes thought that if the people of these United States would highly resolve to hang by the neck until he was dead the first citizen, and every other citizen or alien, whether in Congress or out of Congress, who proposed, within the next twenty years, any change whatever in the tariff laws of the United States, it would conduce more to the permanent prosperity of the country than any resolution ever made and enforced by the American people. [Laughter.]

What this country wants, and must have, for its permanent prosperity, is certainty and stability of its laws; not continual change and uncertainty.

I said then "I sometimes thought so;" I say now I think so all the time; for the very threat of such change, coupled with the power the Democratic party now has to put the threat into execution, has produced widespread disaster throughout the land.

We were told three or four months ago that the so-called Sherman law caused all the trouble and distress that then covered the land, and the President called the Congress together to remove that cause by repealing that law. It was done. The law was repealed, but it is now seen that it had no more power to allay the public distress than would the casting of a pebble to still the mighty waves of the Atlantic. It is now patent to everyone what a wicked fraud this hue and cry set on the Sherman law was. What a clumsy and futile attempt to divert attention from the real cause of the distress that then hovered over all our country and rests on it to-day, which was the attack of the Democratic President and his managers upon the business interests and welfare of the American people for the benefit of all Europe.

It is unfortunate for all the people that the exigencies of the Democratic party seem to require it always to attack the business interests of the country, and every industry in it, except those clustered around Wall street, and of the foreigners doing business within its shadows; but it is a party that is only democratic in name. It is in fact the close ally and servant of aristocracy; witness its attempt to overthrow a republic and set up a monarchy; the attorney for foreign money-lenders and domestic stock gamblers and corporations.

This bill is nothing more and nothing less than the ordinary tariff tinkers' bill, which has made its appearance often in Con-

gress for years past; but owing to the fact that a Republican Senate or a Republican President has heretofore stood between the people and the threatened harm, no injury had been done.

The pending proposition is entitled "A bill to reduce taxation, to provide revenue, and for other purposes." But this title does not express the true purpose of the bill. To do that it must be amended so as to read, "A bill for the relief of the Democratic party, at the expense of the producers and laboring people of the United States, and to reduce the revenue."

The authors of the bill confess that it will reduce the revenue $70,000,000, and there is no doubt that it will accomplish its purposes most effectively, and also in a different direction from that intended. It will relieve that party from all responsibility for legislation for twenty years, beginning March 4, 1895, and will soon after relieve it of the cares of government in every department.

It is true that a majority of the people of the United States voted for the policy set out in the Democratic platform adopted at Chicago by voting for the candidates standing upon it. There was no uncertainty about the tariff plank in that platform. It was plain and concise, admitting of but one meaning. Of course it may be charged that not being double-faced it could not be a genuine Democratic plank. However that may be, they put it in their platform and every Democratic candidate stood upon it. The people of this country can not claim to have been deceived by the tariff plank.

The Democratic party claimed that the policy of "protection was a fraud," a "robbery," and, besides that, was unconstitutional. It said to all the raisin-growers of the twelve counties of the Seventh California district—for in every county of that district the production of raisins is a leading industry—"The tariff that gives you a protection of 2½ cents per pound on raisins, that compels the raisin-growers of Spain to pay 2½ cents per pound toll, to come into your markets and compete with you, is a fraud and a robbery of the many for the benefit of the few, and besides is unconstitutional. We will reform that tariff, take that protection you now enjoy away."

They said to nearly all the producers in the country—not to all, for they had some pets—the same to nearly all operatives in the factories throughout the land—not to all of them—that "the protection given you by the tariff on the articles you are manufacturing, thereby enabling you to receive greater wages than you otherwise would, is a fraud, a robbery of the many for the benefit of the few, and is unconstitutional."

Mr. Chairman, theories are beautiful things sometimes; facts are very obstinate things. I have a few facts to present. Here are some raisins for which the other day I paid here in Washington at retail 20 cents a pound; here are some purchased at another store, for which I paid 25 cents a pound; here are some for which I paid at another store 30 cents a pound. All these raisins are from Fresno County, Cal., in my district. All of them are of the same grade. These raisins, the retail price of which was at different stores 15 cents, 25 cents, and 30 cents, are, as I have said, of the same grade, a grade of which Fresno County alone has sent out this year over 2,000 car loads. For those raisins the producers receive from 3½ cents to 4 cents a pound, free on board the cars.

Now, I want to ask any really smart gentleman (I do not want anybody else to attempt to reply) whether he supposes that if this tariff bill, taking 1 cent off the duty on raisins should go into effect, the man on F street here who charges me 40 cents a pound for imported raisins will the next day after the bill is passed cut the price down to 39 cents; or that the man from whom I bought this other specimen of imported raisins for 35 cents a pound of the same brand (his store being on the avenue and not quite as stylish as the one on F street, where I bought those for 40 cents), will put the price down to 34 cents a pound. You all know better than to suppose such a thing. You know how stupid and ridiculous it is to make an argument that this reduction of the duty on raisins will in any case inure to the extent of 1 penny to the benefit of any consumer in the United States. Every man of common sense knows that such will not be the effect. [Applause.] You simply lose that much money from your Treasury.

Then you propose in this bill to reduce the duty on oranges. The duty now on oranges is 10 cents per cubic foot, which you propose to reduce to 8 cents. Now with first-class large oranges there will be about forty in a cubic foot—from forty to fifty. The reduction of duty proposed in this bill on a dozen oranges, sold at retail in the city of Washington to-day at 75 cents a dozen, would be about one-half of a cent. Do you suppose that if you reduce the tariff in this way the man who is now charging 75 cents a dozen for those oranges will, after you have adopted this Democratic tariff, reduce the price to 74½ cents? You know he will not. That is your argument. You know as well as I do that it does not affect the consumer at all, and all your bill is to benefit the importer, the handler, the dealer, and nowhere in this bill is the interest and welfare of the consumer or producer consulted.

Your Democratic argument—one of your strongest arguments—has circled around the dinner pail of the workingman. I bought one to-day and weighed it. It weighed 4 ounces, and cost 10 cents. You propose to reduce the tariff about 1 cent a pound on tin. That would reduce the price of the workingman's pail in accordance with your idea, if it be a correct one, exactly one-fourth of a cent. Allowing the workingman four pails a year, you would take off the burden of taxation each year to the amount of a whole red cent from that workingman. [Laughter and applause.]

But while making this tremendous saving in the way of taxation laid upon him, you have taken $150 from him of his wages for that year; and then you can boast that you have reduced the price of his dinner pail a quarter of a cent!

Mr. MORSE. Will the gentleman allow a suggestion?

Mr. BOWERS of California. Oh, yes.

Mr. MORSE. I want to suggest to my friend that I fear the workingman is more concerned now about something to put into the pail than what he has to pay for it.

Mr. BOWERS of California. That is the lamentable fact. I have here a letter from an old friend in Wisconsin, one of the proprietors of a large manufactory. It is as follows:

FORT ATKINSON, WIS., *December 22, 1893.*

DEAR SIR: What I want is a copy of the Wilson tariff bill, if you can send it to me, and I would also like the minority report. I am taking quite an in-

terest in this tariff matter because it affects us somewhat. While the tariff on tin is to be reduced, it seems as though it would be to our advantage: but dealers in Chicago tell us that tin would be no cheaper under the new tariff law, as manufacturers in England have told them this summer that if it was reduced they should advance the price on tin, and I believe that the dealers and brokers in tin in Chicago firmly believe this to be so.

I am in hopes that our tin industry has got such a start that it will be able to hold its own, even now, but of this I am a little doubtful. Had it continued two years longer we should have been able to obtain all the tin wanted in America, made by American manufacturers.

Yours respectfully,

D. W. CURTIS.

Hon. W. W. BOWERS,
123 Fourth street, SE., Washington, D. C.

The gentleman from Texas who preceded me told us about the resources of the cotton States, and how cotton-growers went to work like men without any aid or any tariff for protection and raised so much cotton. But he did not tell why the rice-growers in the Carolinas did not wade into their work like men without asking a cent and a half a pound protection? Why do you give it to them? Did they ask for it, or is it a fact that you have some friends, some pets, in the rice business, who own some rice plantations? [Laughter.]

The people of six of the nine counties then comprising the Seventh California district accepted the Democratic platform and went Democratic by a good majority, and when the returns came in showing that the Democratic platform had won, they celebrated the victory in grand style, got up big processions, held large ratification meetings, shouted themselves hoarse, and fell on each others' necks in an ecstacy of joy. As it was in California, so everywhere, the victory of reform was celebrated, and if any man was happier than a Democrat in those days, it was the festive Mugwump, who was once a Republican, but failing to get a nomination for some office, let the canker of disappointed ambition prey upon him until the very blood in his veins ran sour, and he became a natural-born Mugwump; and by the way, specimens of this kind of homo were greatly prized and admired by our Democratic friends; they laid the best offices they had at their feet and Democrats became their servants.

I am speaking of the conditions that existed one year ago. There have been some changes since then, some very great changes, even among Democrats, although I may say, parenthetically, that the condition I have described of Democratic admiration for, and subserviency to, Mugwumps seems to remain the same in the higher circles of Democracy, as shown by recent events.

But now in California those people who were so enthusiastic for reform are again holding meetings, not to ratify reform over again. Oh, no; very serious business meetings have taken the place of political meetings. These people are not quite as delirious as they were. The low diet prescribed for them by the Democratic reform doctors has cooled their fevered blood. Somehow the great reform victory has not panned out the blessings it promised in the blossom; they find its fruit—like the apples of Sodom, fair to the eye—turn to ashes in their mouths, and even the pretty little roosters they carried on their hats so proudly have turned into poor little scrawny black crows.

Hardly had the echoes of the anvils which were fired at the cross-roads ratification, or of the cannon fired in the towns in celebration of the great reform victory died away before the

people began to realize that a change was taking place. They felt a chill in the air. For more than twenty years they had basked in the sunshine of American prosperity, and during all these years the ring of the hammer on the anvil, the whir of the mill-wheel, the sounding blows from the forges, the throbbing of all the mighty machinery everywhere, all blending together in the grand anthem of industry, had rung in their ears, and they had kept time with its step and melody, and every breeze carried the swelling notes of the chorus of the worker's song.

But now fainter and fainter came the melody; farther and farther away it seemed; note after note dropped out of the song, and in their stead there came the discordant cry of dismay, the wail of distress, the sounds of the mourning for murdered opportunities and industries. They saw the fires die in the furnaces, the wheels of the mill fall asleep, the miner's pick growing rusty, and the sounds from the forge had died away. They saw the black clouds of Democracy drifting across the sky, and prosperity fly away. They saw that Democracy and prosperity could not dwell together; that they were opposites, incompatible, unassimilable, and must forever remain strangers to each other.

Forced to see and feel all this, these people now say to you, "We have deceived ourselves; we have been punished enough for our folly; give us back the prosperity and the peace and the comfort we enjoyed under protection, for one day of the glorious sun of Republican prosperity is worth a thousand years of such as this one given us by the Democracy. Take away your tariff reform, take it back to the devil who invented it and who owns it; we want no more of it." So say the farmers, so say the producers, so say all the workers in the field and shop who have made this country what it is.

Who asks for the passage of this bill? Is it the farmer? No. The miner? No. The wool-grower? No. The manufacturer? No. The workman in the factories? No. Any American industry? No. All of these protest against it; from every section of the country, from Maine to Texas, from Florida to Washington, the protests come thick and fast.

Mr. PICKLER. But the gentleman from Texas [Mr. BELL] says that they are "coerced."

Mr. BOWERS of California. Coerced! Well there will be some other gentlemen coerced about the next time the people get a chance to talk to them at the polls. [Laughter and applause.]

This bill comes in here followed by the imprecations of the American people, and in his secret heart many a member who will be forced to vote for it curses the fate that compels him, and will hereafter. Pushed in here by Democratic politicians at the demand of importers and foreigners, denounced by every industry in the United States, who is left asking for it? England, France, Germany, Spain, Italy, and Canada; all these are asking for it. It is in fact "all Europe against America," and in this contest we see the Democratic President and his managers espousing the interests of Europe as against their own people. Who else demands this legislation? The newspapers owned by foreign importers. Who else? The bond dealers. Who else? The capitalists. Who else? The corporations. Who else? The man who would rather give employment to an English

or a French manufactory than to an American industry; to a vineyardist in France or Spain than to one in the United States. Who else? The man who would rather see thousands and tens of thousands of American citizens walking the streets asking for work and bread, as they do to-day under this Democratic Administration, than employed in the mills and mines and on the farms as they were under the American policy of the Republican party. Who else? No one. Have I overdrawn the picture in this statement?

Mr. SIMPSON. I think you have.

Mr. BOWERS of California. I will cite the best Democratic authority, and call the President of the United States as a witness, that I have not. Will you accept his evidence?

Mr. SIMPSON. I do not know that I will.

Mr. BOWERS of California. Here is what he says to you. Here is the extraordinary confession he makes in his message to this Congress:

> In my great desire for the success of this measure I can not resist the suggestion that its success can only be attained by means of unselfish counsel on the part of the friends of tariff reform, and as a result of their willingness to subordinate personal desires and ambition to the general good. The local interests affected by the proposed tariff are so numerous and so varied that if all insisted upon them, legislation embodying the reform must inevitably fail.—*Cleveland's Message.*

Can there be a better reason given than the one he has here given you for the defeat of this bill? He tells this Congress plainly that if it consults the interests of the people of the United States, then this tariff cake becomes dough on both sides. This reform must fail if the local interests of the people are consulted. Well, a reform that is antagonistic and harmful to the local interests of our people ought to fail, and will fail sooner or later. All interests are local; what is termed the general interest is but the sum of the local interests, and there is not a local interest but this bill touches. Not a change it proposes to make from existing law that will not be detrimental to the true interests of our people and advantageous to the interests of the people of Europe, and there is hardly a township in the United States, inhabited by a white person, that this malign bill does not threaten with harm.

The motto of the Republican party always has been, and is now, "American opportunities and American markets belong to American citizens who have made them."

The motto of the Democratic party to-day is: "American opportunities and American markets belong to the world. No discrimination in favor of American citizens as against foreigners."

I read from the Pall Mall Gazette, one of the leading journals of England:

> LONDON, *November 9, 1892.*
>
> The Pall Mall Gazette this afternoon says that "both the merchants and the unemployed workingmen of England have reason to rejoice at the Democratic victory, as with the possibility of the reopening of the American market to the goods of Birmingham, Bradford, and Manchester, capitalists will get a chance to procure some return on their money invested, and the workingmen will have an opportunity to get a decent price for their labor without the necessity of striking."

And every English journal said substantially the same. England is unanimous for the passage of this bill; so is France, and Germany, and Spain, and Italy, and Canada. It has no opposi-

tion anywhere in the world except from the great mass of the people of the United States.

One more citation from an English newspaper, the Warehouseman and Draper. It says:

Speaking at Sheffield at the banquet in honor of the anniversary of American independence, Mr. Folsom, the United States consul in that town, who is now on the point of retiring, expressed the satisfaction that he felt in the belief that "before another twelve months have rolled by Sheffield will not be subjected to the onerous and oppressive duties of the United States which have so restricted her trade."

For years the Democratic politicians have rung the changes on Republican extravagance and corruption. They have sought to impress upon the people the idea that they were being robbed by the protective tariff; that our workmen were being oppressed and the country going to the dogs, and a lot more of such rubbish. It is true that comparisons are odious, but as the Democratic politicians invite them they should have them. Let us contrast the condition of this country as it was under Republican rule, as it is under Democratic rule. I will hold up the picture of the Republican rule as painted by some first-class Democratic artists. We will not go back far, only to last year.

On the 17th of July, 1892, the New York Herald (Democratic) remarked:

The business of the country is in a provokingly healthy condition. * * * New industrial enterprises for manufacturing iron, cotton, and woolen fabrics are going into operation in various sections. * * * In the face of such a condition of things the calamity howler must remain silent.

On July 15, 1892, the Boston Herald, a pronounced advocate of Cleveland and free trade, asked:

Where is the idle woolen mill to-day? There is none. * * * Not only are the great majority of the woolen mills employed, but many * * * are contemplating enlargements and improvements, or such enlargements and improvements are already begun. What does all this mean? It means simply the greatest consumption of wool the country has known for many years.

On the 10th of September, 1892, the Dry Goods Economist, also tarred with the free-trade brush, was constrained to remark that—

Dress goods manufacturers ought to be happy this season because they are busy delivering the goods already ordered and booking orders for more. * * * They can confidently look forward to a continuous run of business for the next six months.

R. G. Dun & Co.'s Report, a colorless trade paper, in July, 1892, said:

A fiscal year never matched in the history of the country in volume of industrial productions, in magnitude of domestic exchanges, or in foreign trade has just closed.

That eminent free-trader Edward Atkinson, whose knowledge of economics compares with that of Mr. Cleveland as an encyclopedia compares with a primer, says, speaking of the country under Republican rule:

There has never been a period in the history of this or any other country when the general rate of wages was as high as it is now, or the price of goods relatively to the wages as low as they are to-day, nor a period when the workman, in the strict sense of the word, has so fully secured to his own use and enjoyment such a steadily and progressively increasing proportion of a constantly increasing product.

The honorable member from New York, Mr. COCKRAN, taking as his authority the Aldrich report, which, he said, emanated from a Democratic Bureau of Statistics, and the accuracy of

whose figures had never been disputed, showed that "never before in the history of human civilization have wages been so high, measured by gold." And that "by the figures of this Aldrich committee we find that labor enjoys to-day the largest proportion of that which it produces that it has ever enjoyed in the history of the world." As the Aldrich report was made March 3, 1893, one day before the Democratic party came into power, and most of its figures only include the year 1891, this is valuable testimony to the prosperity of the country under Republican rule.

This is the picture painted by Democrats and free traders of the prosperous condition of this country up to the time it was ascertained that the Democrats had come into power in all the Departments of the Federal Government. Never before did this nation or any other that ever existed on earth make such progress and enjoy such a degree of prosperity as the United States during the twenty-five years of Republican rule preceding the 5th day of November, 1892. Never before anywhere, in any land, did the common people receive so large a recompense for their labor or enjoy to so great an extent the luxuries as well as the comforts of life, as did all the people of the United States during that period.

Shall I draw the picture of the condition of the country under Democratic rule as it is to-day? I hardly deem it necessary. It is too familiar to all of us. You see it everywhere; every morning it stares at you from your newspaper, the pictures of closed mills, of dead industries, of enforced idleness and destitution in places where heretofore work and wages, comfort and contentment, held the reins and kept even pace with the passing days. Never before in the history of the nation did such widespread, and universal commercial and financial disaster come upon it as came with the accession of the Democratic party to power. It would seem that disaster and Democracy were twins, bound by a common tie which, if severed, leads to the death of both.

This bill is a fraud; a proposition to rob the many for the benefit of the few. It is so characterized by the assembled wisdom of the Democratic party the last time it pulled itself together at Chicago. I will read from the gospel according to Democracy, its last testament, chapter 3:

> We denounce Republican protection as a fraud and a robbery of the many for the benefit of the few; * * * the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only.

And yet in the face of this declaration the chiefs of that party bring in here this unconstitutional bill, without a doubt the worst specimen of a protective tariff bill ever introduced in Congress, containing the most outrageous discrimination against the many for the benefit of the few, against the farmer and the producer and in favor of the toll-taker. Do the farmers and the producers of this country constitute the few and the manufacturers the many? [Applause.]

This extraordinary specimen of a protective tariff bill says to all the wool-growers of this country, "The Republican policy which protects your product by a tariff of from 25 to 40 per cent is a fraud and a robbery of the many (big mill-owners) for the benefit of the few (sheep-herders). It shall cease. You

must take your places by the side of and on a level with the bushmen of Australia and New Zealand, and compete with them if you will persist in such low-down business as wool-growing." At the same time it pats lovingly on the back the big mill-owner who manufactures that wool, and says to him, "You are my hearty; your product shall have 40 per cent protection; you shall not be forced to compete with the cheap goods of Europe. Those foreign manufacturers shall pay you half their goods are worth before they shall come into the American market and compete with you. We will take care of you; but we've no use for that sheep-herder, doncher know."

What a beautiful sample of Democratic revenue reform this thing is. Was there ever a more shameless discrimination attempted?

I read a few days ago in a newspaper a large number of New Year's sentiments, contributed, the paper said, by many of the greatest men in the world; among them I read the following sentiment:

Powerful as our Government is, it never had or can have authority to tax one man to make another's vocation pay.

This sentiment was signed by one of the distinguished members of this House from Tennessee. I have read many times that the tariff was a tax, and this our Democratic friends to the last man stoutly maintain. They denounce the McKinley tariff law, charging that it does exactly the thing that the honorable gentleman from Tennessee declared this Government had no authority to do; and yet, wherein does this bill, which I presume the honorable gentleman will support and vote for, differ from the McKinley act? In two respects only; both are essentially and entirely protective tariff bills, different first in this: The McKinley act was intended to raise an adequate revenue for the support of the Government by increasing the tax on foreign goods, in the form of a tariff, and thus decreasing the tax upon our own people and our own products.

This bill proposes the exact reverse—to reduce the revenue by reducing the tax on foreign goods and thus creating a necessity for increasing the tax on our own people and our own products. Second. The McKinley act sought as far as possible to do equal justice; to give all an equal share of protection. It gave the wool-grower the same protection it did the wool-handler, the manufacturer. This bill makes the most abominable and shameless discrimination as to the persons, industries, and localities it seeks to protect, and every line in this bill fixing a tariff rate is drawn for the protection of some article, some industry, some class, and not "for revenue only."

Upon what theory of a tariff for revenue only can paragraph 190, page 29, be defended, which fixes the duty on barley 20 per cent ad valorem and barley malt 30 per cent ad valorem? Upon none. It was to protect the maltster, and to give him 33⅓ per cent more protection than was given the barley-grower, and the change was made from 25 per cent, as it was in the original draft of the bill, to 30 per cent, upon the representation to the committee that the maltster needed that amount of duty for the protection of his industry.

Upon what theory of a tariff for revenue only is the duty upon rice made specific—1½ cents per pound—while other grains have ad valorem duties upon them. Why ad valorem duties on bar-

ley and specific duties on rice? Upon what theory of a tariff for revenue only can the sliding scale of bounties to be paid the sugar producer be defended? None. It is protection. Nothing else; and if there is anything in our system of taxation that taxes one man to make another's vocation pay it is this sugar schedule. It is an impossibility for a tariff for revenue only to have a sliding scale of ad valorem duties, or both ad valorem and specific duties, or a free list; because any and every variation in a rate of duty or exemption from duty is for protection; must be. Neither the Democratic party nor any other party ever introduced a general tariff bill for revenue only, which, of course, must tax all imports alike. No party dare to do so stupid a thing. All these bills are for protection and revenue the same as this one, only this is the most unjust, illogical proposition of the kind ever made.

See paragraphs 101 and 102, page 15, marble, rough in block or squared, 40 cents per cubic foot; but sawed, dressed, or otherwise manufactured, 75 cents per cubic foot.

In tariff for revenue only, why should there be different ad valorem rates of duty on marble?

The Oakland Times, one of the leading Democratic papers of California, said editorially a few days ago:

> This Congress was elected to reform the tariff. The complexion of the Senate was changed to facilitate the work. Benjamin Harrison was displaced from the Presidency to make room for Grover Cleveland in order that tariff duties could be reduced to a revenue basis.
>
> "A tariff for revenue" in contradistinction to a tariff for protection was the issue of the last Presidential election. It was debated on the stump in every State and discussed in every newspaper and periodical in the land. Party platforms clearly defined the issue, and parties accepted the gauge of battle on the lines thus laid down. The issue was not dodged, nor was it, as in many cases, so connected and cumbered with other issues that it did not stand alone and sharply defined.

The Times states the exact facts as to this issue. The Democratic party was pledged to "a tariff for revenue only" and against protection. The Republican party was squarely pledged to protection.

In view of all these indisputable facts, the following letter, written by the honorable chairman of the Committee of Ways and Means, and whose name is given to this bill, becomes very interesting reading:

INTERESTS OF MANUFACTURERS—CHAIRMAN WILSON POINTS OUT THAT HE HAS A TENDER CONSIDERATION FOR THEM.

BOSTON, *January 3.*

The American Wool and Cotton Reporter will to-morrow publish the following letter from Chairman WILSON, of the Ways and Means Committee:

"In your issue of December 28 I find in a letter from Mr. James McLaughlin, jr., Glenside Woolen Mills, the following statement:

"'The writer has just returned from Washington, after having a conference with Mr. WILSON and the Hon. DAVID B. HILL, and both of these men expressed themselves as having no interest in the mill-owners, but if it can be shown that it will affect the voters' interest they are ready to consider a change in the tariff bill,' etc.

"Permit me to state that so far as I am referred to this statement is absolutely incorrect. I never expressed any such statement and never entertained any such idea. I do not recall any conversation with the writer, but that may be due to my inability to remember all with whom I have recently talked. I do believe, and have said to gentlemen thus interviewing me, that the interests of 70,000,000 men, women, and children, who consume woolen goods, should have paramount consideration; but the fact that I have reported a bill carrying 40 per cent protection to mill-owners—$4 on $10 worth of goods—shows a very tender consideration for the interests of the mill-owners, especially in view of the fact that in 1866 the joint report of the wool manu-

facturers and wool-growers only asked that 'all manufactures composed wholly or in part of wool or worsted shall be subjected to a duty which shall be equal to 25 per cent net.' This is only one of numberless misrepresentations I have undertaken to correct.

"WM. L. WILSON."

Now, if there is any one man more competent to speak of this bill, what it means to do, what it is, it must be the gentleman whose name it bears, and is in large part the architect and superintendent of it, and he here unequivocally declares that the bill he has reported "carries 40 per cent protection to mill-owners, $4 on $10 worth of goods." So I have the testimony of the chairman of the committee that I have characterized this bill aright; it is for protection, and is in no respect consonant with the Democratic platform adopted at Chicago, and no Democrat who is honestly in favor of that platform and its tariff plank can consistently vote for it, and no Democrat can redeem his pledge to support "a tariff for revenue only" by voting for this bill. On the contrary, he squarely violates that pledge.

Having shown that this bill is for protection, the only argument germane to it is, Is it a better protective-tariff bill than the McKinley act? Are the benefits of protection more evenly distributed, and the burdens, if any, more equitably laid? To all these questions the American people answer emphatically, no. From beginning to end this bill singles out certain industries and products to which it accords protection, and from others equally entitled it refuses protection. Protection is refused to the miner who digs out the iron ore and the coal to melt it, but is given to the man who burns the coal and lets liquid iron run into the open troughs of sand. You say that coal and ore are raw material. But they are the finished product of the miner, and the rough, shapeless pig of iron when it goes into the rolling-mill or foundry is as absolutely and entirely raw material as is the coal placed under it to melt it, or as is the farmer's wool when it enters the woolen factory.

The honorable chairman of the committee labored hard and long to-day in his speech to show that wool should be put on the free list. I present for his consideration the following telegram, to show what the wool-growers and manufacturers of California think about it—practical men engaged in the business about which they telegraph me—and I place their declarations beside those of the politicians and theorists who bring in such bills as this:

SAN FRANCISCO, CAL., *January 3, 1894.*

Hon. W. W. BOWERS,
House of Representatives, Washington, D. C.:

At a meeting of the wool-growers, dealers, and manufacturers held this day, it was resolved that we, the wool-growers, dealers, and manufacturers of California, irrespective of party, do hereby protest in the most emphatic terms against changes in the tariff affecting wool and woolens as proposed by the Wilson bill. We assert that to remove the duty from wool and woolens will prostrate, if not wholly destroy, an industry which gives direct employment to 30,000 of our citizens. We call upon you as a representative of California interests to work and vote against these propositions.

I. R. HALL,
B. P. FLINT,
THOMAS DENIGAN,
C. S. MOSES,
JAMES P. HULME,
JOHN E. SHOOBERT,
Committee.
JACOB ROSENBERG, *President.*
FRED S. MOODY, *Secretary.*

And in this connection I present this letter from the honorable Assistant Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
OFFICE OF ASSISTANT SECRETARY,
Washington, D. C., December 22, 1893.

SIR: I have the honor to acknowledge the receipt of your favor of December 18, covering report on silk culture in Southern California from Mrs. Carrie Williams, and to thank you for transmitting the report to this office.

The entomologist to whom the report has been submitted states that he has long been aware of the perfect adaptability of the climate of California to the culture of the domestic silk-worm, but that the difficulty in the matter of silk culture in this country is the absolute lack of a profitable market for the cocoons. Raw silk is imported from abroad at such low rates as to practically preclude competition on the part of American sericulturists.

Respectfully, yours,

EDWIN WILLITS, *Acting Secretary.*

Hon. W. W. BOWERS, M. C.,
House of Representatives, Washington, D. C.

As a companion piece to the letter of the honorable Assistant Secretary I present herewith extracts from the letter referred to by him, which was dated at San Diego, Cal., December 29, 1893:

W. W. BOWERS,
House of Representatives, United States:

DEAR SIR: Your esteemed favor of the 22d instant came to me to-day. I thank you sincerely for the same.

Yes; "the last paragraph" gives the whole silk business away. On page 16 of that "report of silk culture in New South Wales" which I lent you last summer, C. V. Riley, M. A., PH. D., entomologist of the American Government, is quoted as saying "The greater value of labor here as compared with labor in older silk-growing countries has been in the past a most serious obstacle in the United States, but conditions exist to-day that render this obstacle by no means insuperable."

Then he contrasts the conditions and requirements here and in the older silk-growing countries, showing that 20 or 30 cents a day there is as much toward a living as three or four times that amount here. He also shows that there are hundreds of thousands of women and girls all over our country who might produce silk without depriving the laboring classes of their employment, and yet tend to enrich both themselves and their country. Perhaps Mr. Willits was not aware of his superiors' sentiments now before the world on this subject.

You know, Mr. BOWERS, and so do I, that the industry may be made continuous for nine months of the year. This is the strong point in our favor, and it has never been even hinted at before. It is a demonstrated fact now. I have the evidence here. There could not be a greater farce perpetrated on any people than to import silk as raw silk when it is reeled silk. This is the pivot of silk on the tariff. The silk importers call it raw silk as a blind, while they know, and I know, and all who have investigated the subject know, that it is reeled. Every thread of silk is twisted on the reels before it is imported, and yet they call it raw silk. What! Is raw cotton cotton yarn, or is it not raw just as it comes from the pod, not twisted or operated on by machinery?

With due respect, yours,

MRS. CARRIE WILLIAMS.

Mr. Chairman, whatever may have been the sentiments of the American people one year and a half ago on tariff reform, the evidence presented us on all sides is overwhelming that to-day the great majority of the people of this nation are in favor of adequate and equitable protection for all American industries; protection not only against the competition of the products of the cheap labor of foreign countries, but protection against the importation of the cheap laborers themselves. [Applause on the Republican side.]

Friday, January 12, 1894.

* * * * * * *

Questioning Mr. SIMPSON—

Mr. BOWERS of California. Will the gentleman allow me to ask him a question?

Mr. SIMPSON. Yes, sir.

Mr. BOWERS of California. I understand from the drift of your argument that the continual decrease in the price of agricultural products is owing to the policy of Republican protection.

Mr. SIMPSON. Yes, sir; you are entirely right.

Mr. BOWERS of California. One other question, if you will allow me, a question which my friend did not have time to answer yesterday; and I would like to ask you, if you will tell us, why this protection, that is so hurtful to the whole agricultural interests, and which, as the eloquent gentleman from Massachusetts [Mr. EVERETT] this morning stated, was "heathenish," if I understood him aright, is all right and necessary for the big mill owners in the rich State where he lives, to which this bill gives a protection of 40 per cent, or $4 on every $10, I would like to ask the gentleman to come down to that, as I know he can do it.

Mr. SIMPSON. I understand your question. The gentleman surely knows that the agricultural classes, whose interests, according to the Republican members, are left out of this bill, because they have nothing protected, are ignored because they are scattered over so wide a territory, because they represent unorganized labor, and because these other parties can combine and concentrate their forces and send a lobby here to Washington to lobby in their interests, and because farmers do not know how to protect their interests as do the protected interests; and also because Democratic politicians are no better than Republican politicians. When this force is brought here they always surrender, not alone to get the "fat" for the campaign but of getting voters to keep them in power.

Mr. BOWERS of California. Your answer is very satisfactory.

Monday, January 15, 1894.

* * * * * * *

Mr. BOWERS. Why can you not let the woolen manufactures come in free as you let wool come in free to compete with that produced by our farmers?

Mr. CLARK of Missouri. I am in favor of letting woolens come in free. [Applause.] And what is a good deal more, I am in favor of letting everything else come in free. [Applause.] That is my creed. [Applause.]

Mr. BOWERS. But you will vote to put a duty on manufactured goods, while you let binding twine in free?

Mr. CLARK of Missouri. You need not worry yourself about me. [Laughter.] I propose to support every amendment to this bill that puts anything on the free list or cuts the tariff lower. [Applause.] The more of them that are adopted the better the bill will be. [Applause.] You can not have too much of a good thing. [Applause on the Democratic side.] I am a

free trader from the sole of my foot to the crown of my head. [Renewed applause.] That is the doctrine of nature and of common sense. [Applause.]

Mr. BOWERS of California. And I will vote to put everything under protection—every article of American production, and that is what the people of this country want. [Applause on the Republican side.]

Tuesday, January 16, 1894.

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Mr. BOWERS of California. Mr. Chairman——

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BOWERS of California. I move to strike out the last word. The argument so far on this bill for a "tariff for revenue only" has been conducted on the line of finding out how much protection each article needs. It has been shown by people who understand this question that if this amendment goes into the bill, the industry which has been built up under the promise of this Government will be destroyed.

Mr. WALKER. That is the intention of the bill.

Mr. BOWERS. That will be the effect. Now, I want to call the attention of the committee to another case. The State of California is, I believe, the only State in this Union that produces raisins. She shipped this year nearly 3,000 carloads, and 99 pounds out of every 100 of those raisins are produced in the district that I have the honor to represent, or, at least, try to represent on this floor. The present duty is 2½ cents. This bill proposes to reduce it to 1½ cents. The raisin-growers have received 3¼ to 4½ cents a pound, and it costs 3½ cents per pound to produce those raisins. Now, if you reduce that duty 1 cent a pound, you put it in the power of the foreign growers to get control of the American market.

Mr. WALKER. Does not the gentleman know that California is a Republican State, and that therefore one of the objects of this bill is to strike at her industries?

Mr. BOWERS. Yes, my friend; but California went by a small majority for Cleveland.

Mr. WALKER. But they have no further hope there.

Mr. BOWERS. No; we will never do it again. [Laughter.] Every raisin vineyard in California will be at the mercy of the foreign growers if you pass this bill in this form. I have here some of this American product grown in my own county. Unlike the gentleman from Kansas [Mr. SIMPSON], who showed his Herculean strength the other day by tearing to pieces an old coat in trying to make a point against American manufactures, though he did not know whether it was American or of foreign manufacture, I come in here with an article that I do know to be the product of our own country. These are American raisins [exhibiting them].

I know where these raisins grew; they grew in the El Cajon Valley, in San Diego County, Cal., near the farm that I worked for years. They are a straight American product. There is no "shoddy" about them. Old Spain never produced any superior, if equal. Those raisins are sold where they are produced at 3½ cents

a pound. For the same raisins you pay in this town from 20 cents to 25 and 30 cents a pound. I want gentlemen to look at these raisins; they are a straight American product—they are the product of an industry which by this bill you propose to destroy.

A MEMBER. Pass them around.

Mr. BOWERS. Yes; I want to have them passed around. And I want some of them passed over to the other side of the House. I want gentlemen there to realize what kind of an industry it is they propose to destroy. For if this bill passes in its present form the foreign growers can destroy this industry and the raisin-growers must plow up their vineyards and turn them to other uses.

Mr. ENLOE. I rise to a point of order. My point is that members are destroying the gentleman's argument. [Referring to the fact that members were eating the raisins which Mr. BOWERS had exhibited.]

Mr. BOWERS. That is right. I want the gentlemen to eat these raisins. They may inoculate gentlemen on the other side with a little knowledge and a little Americanism. They may catch something of the American spirit by eating American raisins. I think gentlemen on the other side ought to eat a pound or two of them; they will do them good.

Mr. ENLOE. Well, we will swallow the argument.

Mr. BOWERS. Mr. Chairman——

[Here the hammer fell.]

* * * * * * *

THE FREE WOOL PARAGRAPH.

Mr. BOWERS of California. Mr. Chairman, I am in favor of the amendment offered by the gentleman from New York [Mr. PAYNE] putting off the time when this paragraph shall go into effect for five years, and I wish to state my reason. Long before that time the farmers that gentleman on the other side talk so much about will tell you emphatically what they think of legislators that give the big mill-owners of the country six months' protection under the McKinley bill, during which time the small farmer, the small wool-grower, is to furnish these manufacturers free wool with which to carry on their business. It seems to me, gentlemen, that you are in a hurry to knock out the farmer; but it is consistent with the bill from beginning to end. All through it you have selected the big mill-owners, the wealthy classes, to receive your favor. Everywhere that you had the opportunity to do so you have struck the farmer.

You talk here about the beauties of a revenue tariff; you denounce protection. That is the way you talk, but you have got to vote another way; you have got to vote for the most illogical, the meanest, protective tariff bill that ever was launched before this House.

Mr. Chairman, my district in California produces, I believe, more wool than any other district in the United States; and I know something about the business. I know that until the last election was decided, the wool business was all right; but when we knew that Democrats had got into power, and when we recalled the action of that party on the bill of Mr. SPRINGER in the Fifty-second Congress, we knew that the party was committed to free wool, and then prices went down. To-day in the city of San

Diego, where my home is located, great warehouses are piled full of wool.

It can not be sold. Why? These rich manufacturers are waiting for their friends on the other side of the House to stand up for them and give them a McKinley protection for their products and the free wool of the farmers; and of course they will not buy their wool until they know the result of your action here. But when wool is put on the free list they can say to the Australian, and to foreigners generally, "Come on, bring in your wool," at the same time saying to the farmers of the United States, "Now you can not help yourselves; you have got to take what we give you for your wool or it will remain unsold." I tell you, Mr. Chairman, that the farmers will speak in tones that you gentlemen will be forced to understand. They will tell you what they think of such business as this. They will give you an opinion of that policy which sacrifices their business to the advantage of the rich and prosperous mill-owners and importers that you can not misunderstand.

[Here the hammer fell.]

Mr. BRYAN. Mr. Chairman, the gentleman from California [Mr. BOWERS] and the gentleman from Vermont [Mr. GROUT] have told us what the farmers of this country will do if they ever get another chance at the Democratic party. The farmers of their districts have already told the country what they would do, not in the future, but in the past; and they can not hurt the country any more in the future than they have done in the past as far as the election of Congressmen is concerned. [Laughter.] They can not do any worse in that regard than they have done.

Mr. BOWERS. Well, as far as that goes, I am willing to stand up with the gentleman and try the question of average.

Mr. BRYAN. I do not mean to reflect on the gentleman from California or the gentleman from Vermont, who represent their districts so well. They seem to reflect the opinions of their people, and I have no doubt they do. But these gentlemen forget that there are many districts in the United States that they do not represent, and if the people in their districts understood that the Democratic success in the last election meant free wool and a reduction of the tariff.

* * * * * * *

Mr. BOWERS of California. Mr. Chairman, I have an amendment which I wish to offer to this substitute before a vote is taken. This is a very important question.

The amendment of Mr. BOWERS of California was read, as follows:

Amend the proposed substitute by striking out the words "on the passage of this bill," and inserting "December 30, 1899."

Mr. BOWERS of California. Mr. Chairman, I wish to say to Representatives here that for twenty-five years of my life I have been a small farmer—not one of your large farmers engaged not only in farming but in banking and in the lumbering business and in the wool-growing business. I have been one of those small farmers not able to hire help to any extent, one who has held the plow himself, who has followed the harrow, who has sowed the grain, and in the early days in Wisconsin cradled it, or followed the cradler raking and binding, and then hitched my

horses to the thrashing machine and followed that for three or four months each year for many years. Having been a small farmer, I know what I am talking about when I speak of the interests of farmers. I am not talking like a farmer who has been brought up in a lawyer's office, or a doctor's office, or a real estate office, or a manufacturing establishment.

I know there are some poor farmers, just as there are some poor lawyers and some poor doctors. But I despise this talking about the "poor farmer." You have never heard me use that term. The farmers of this country are not here as suppliants or mendicants asking for charity. They are here as American citizens asking to be treated as American citizens, asking to be accorded the same rights that every man ought to enjoy in his own business, the rights accorded the big mill owners, the same protection.

My colleagues from California know that I, though coming here as a Republican, represent the views and wishes of nine out of ten of the Democratic farmers of that State. They know that the majority of the wool-growers of that State are Democrats; and I represent them when I oppose the proposition to put wool on the free list. In every county of that State the wool-growers have got together and are opposing the passage of the Wilson bill. Not a day passes when I do not receive some telegram on this subject.

My desk at my room is full of resolutions passed by the wool-growers of California against the passage of the Wilson bill. When I talk about the farmers, I know what I am talking about. I represent the Democratic farmers of California better than any Democrat on this floor that supports the Wilson bill. I have a letter here——

[Here the hammer fell.]

Mr. BOWERS of California. Has my time expired? Will you not let me read one sentence, which will occupy only a minute?

O

C. F. Curry

4

THE IMMIGRATION BILL

ADVOCATING EXCLUSION OF ASIATICS

SPEECH

OF

HON. CHARLES F. CURRY
OF CALIFORNIA

IN THE

HOUSE OF REPRESENTATIVES

JANUARY 31, 1914

WASHINGTON
1914

28891—12762

UNITED STATES OF AMERICA
GOVERNMENT PRINTING OFFICE

SPEECH

OF

HON. CHARLES F. CURRY.

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 6060) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. CURRY. Mr. Chairman, I am in favor of this bill and intend to vote for it. It should be amended in two or three particulars by elimination and insertion. I very much regret that the committee did not see its way clear to include the exclusion of Asiatics and Hindus in the measure. I know that Mr. HAYES, Mr. RAKER, and Mr. CHURCH have introduced bills to exclude Asiatic and Hindu laborers, but I doubt very much that this House will be given an opportunity to vote on any of them at this session, and for that reason I hope this bill will be amended so as to include them in the excluded class.

The question is not so well understood in the East as it is in the West. The Pacific coast is the frontier between occidental and oriental civilization.

The activities of the people of our Western States have so far held in check that tide of immigration from India, China, and Japan that would flood our country if given the opportunity. And right here I wish to express my absolute conviction that Asiatic coolieism is a direct menace not simply to our economical and industrial prosperity and to the well-being and material advancement of our people, but it strikes at the very source of the strength and integrity of American civilization.

The constitution of California declares:

ART. XIX, SECTION 1. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the legislature shall discourage their immigration by all means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the legislature may prescribe.

This is part of the organic law of California. It was embodied in her constitution as the result of bitter experience. It was the conclusion, not of an academic discussion, but of the menacing problems of a reality. It was a protest against an insidious attack upon our ideals, of morals, and of living, and of health in the field, the farm, the shop, and the home.

The constitution of California provides further:

ART. XIX. SECTION 1. The legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or individuals afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State upon failure or refusal to comply with such conditions.

This section reflects the serious endeavor of our people to guard themselves against oriental aggression, however plausibly it may be attempted. This section was made part of the organic law of California that Californians might voice their inflexible insistence upon occidental and not oriental standards of right living and morality. What was true when this section of the constitution was adopted is true now. Our patriotism in this regard begins in defending the sacredness of our homes and ends in upholding the honor of the Nation of which we are a part.

I am emphatically in favor of the exclusion of Asiatics.

American labor is dignified, intelligent, and progressive. In the last analysis it is the great constructive energy of our Republic. Its ideals of private conduct and of public life are those of healthy citizenship. It is an imperative duty of every patriotic American, therefore, to protect as far as he is able American labor from competition with inferior peoples. And it is infinitely more necessary for the Government to enact laws to protect American workingmen from the evil of a personal direct rivalry with the representatives of a civilization which, in everything of importance, is the very antithesis of our own. American prosperity is built upon the well-being of all the tremendous elements which contribute to rational progress, and an assault upon one should be the concern of all.

It is a traditional right of a nation to prohibit aliens from acquiring property within its boundaries. The common law has justified this right, and the reasons for its exercise are obvious. The lands of a nation belong to its own native-born citizens and to those to whom is granted the privilege of becoming citizens by naturalization. To all others a nation or a State owes it to itself to deny the rights of ownership. Particularly is this so in connection with an alien race with whom we resist either association or an impossible assimilation.

The Legislature of California at its last session passed a very mild alien land law. The provisions of that law are not nearly so stringent as are the Federal statute and the laws of a number of the States and of most foreign countries. For instance, aliens are not allowed to enter the schools of Japan; they can not own real estate in certain districts or engage in mining. An alien laborer must procure a license, and this is not granted if the job he seeks is wanted by any Japanese laborer. Besides, foreigners residing in Japan are assessed double what the natives are for personal property. If they attend a theater, they must pay double, and in other things it is the same.

Japan recently enacted a law that permits aliens to hold real estate who come from a country that permits Japanese to enjoy a like privilege. Whether or not that law has been promulgated I do not know. I have been informed that it has not.

The California statute is short, and for the information of the House I will insert it here:

An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

The people of the State of California do enact as follows:

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real

property, or any interest therein, in this State in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this State which but for said provisions said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title 8, part 3, of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property, so long as such real property so acquired shall remain the property of the alien company, association, or corporation acquiring the same in such manner.

SEC. 6. Any leasehold or other interest in real property less than the fee hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section 5 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold or other interest in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

The white and yellow races are unassimilable. The idea of marriage between whites and Asiatics is revolting. It shatters the very keystone of occidental civilization. It is demoralizing in morality and menacing in problems of a mongrel racial degeneracy. It brings into being dangers of manifest evil to American homes and institutions. I conceive that we would be

unworthy of our heritage if we gave countenance to the prostitution of what we honor as the most sacred contract under the law.

According to our standard, the Asiatics are not immoral; they are unmoral. The size of Japan is about half that of California and contains a population of about 75,000,000. Women are not highly regarded. Daughters are sold without shame for immoral purposes, and it is estimated that there are 2,000,000 prostitutes in that country. In men loose morals are universal and in women are uncondemned. Such a condition is usual and is regarded as natural and not wrong. And Japan is the most advanced of Asiatic nations. All Asiatics regard themselves as enjoying a civilization superior to ours. They do not want to adopt our ethical and moral standards. What they do want is our trade and the opportunity to peacefully occupy our country by immigration. And, by the way, so far as trade is concerned, the United States is Japan's best customer. We buy from her about one-third of the total exports of the Empire, or about $75,000,000 worth a year, and export to her about $40,000,000 a year, thus leaving a balance of trade in her favor of about $35,000,000. Her national debt is about $1,500,000,000, and is an awful burden for her miserably poor and struggling people to bear.

We solved the Chinese question by the enactment of the Geary and subsequent acts. We have no Geary Act to keep out the Japanese and Hindus. On the Pacific we know the results of Asiatic competition. The Japanese are not an inventive people. They originate nothing, but they are great imitators of other people's inventions. The advantage they have over our people is their lower and cheaper standard of living and the fact that their men, women, and children work incessantly from early morning to late at night for small remuneration. They are driving our citizens out of every avenue of industry in which they succeed in securing a foothold.

Everyone will admit that there is not a lazy bone in the body of the average American farmer. The Japanese are driving the American farmer out of business in California.

About 70 per cent, or $7,000,000 worth, of the vegetables raised in the southern part of California are produced by Japanese truck gardeners.

In my own district they farm by ownership or lease of the land a large portion of the rich delta land of the Sacramento and the San Joaquin. About 4,000 acres of that land is owned by one Japanese, and he farms under lease other tracts. By production and manipulation he controls the potato market around San Francisco Bay.

The Japanese secured a foothold in the thriving farming community of Florin, in Sacramento County. They now own practically all the land in that vicinity and all but one business house in the city. The only store run by a white man in that town is owned by the postmaster, and as soon as his successor is appointed he will have to close up shop.

The Hindus, if permitted to continue to come to this country, will soon be a greater menace than even the Japanese. The Stockton Record of December 6, 1913, published the following

statement, which I will insert here and make a part of my remarks:

[From the Stockton Daily Evening Record, Dec. 6, 1913.]

WHAT HINDUS SENT OUT OF STOCKTON.

International (foreign) money orders to the amount of $26,282.82 were sold by the Stockton post office during the month of October. Of this amount $18,489.27 was sent to British Indian offices.

It was the Hindu.

Three-fourths of all the money sent from Stockton to foreign countries went to India.

Formerly it was thought that the Japanese, among all aliens, absorbed the most money, spent the least, and sent the most home. But during October the Japanese "sent home" only $3,909, or about one-sixth as much as the Hindus; and the Japanese in this part of the State outnumber the Hindus 10 to 1.

The small amount—$150—which the Greeks forwarded through the office is likewise a surprise.

The October sales of international orders were not exceptionally large. The total is a low average. Twelve such monthly totals mean easily $315,000 and more. And if the Hindus do not fail of their prosperity during the closing two months of the year, they will probably have sent $213,000 to their native land. Most of this money will have been earned in the vicinity of Stockton. It is gone—gone far—lost to the community.

A study of the full report of international money-order sales for the month of October as compiled by Myra Ellsworth, superintendent of the money-order division of the Stockton office, is worthy of attention. The report shows money-order sales as follows:

Great Britain	$358.01
British India	18,489.27
Germany	303.93
Italy	1,628.00
Greece	150.25
Sweden	105.00
Japan	3,908.00
Norway	97.00
France	81.01
Austria	853.10
Russia	86.75
Switzerland	39.00
Denmark	110.00
Turkey	15.00
Azores Islands	50.00
Hungary	3.50
Holland	5.00
Total	26,282.82

The Hindu is a problem, and no doubt about it.

It took our branch of the human race thousands of years to develop to the government-by-the-people stage of civilization. It was a long, hard climb from barbarism to American civilization. It would be but a short step backward from the highest civilization to semibarbarism. The Good Book tells us that "evil communications (or association) corrupt good manners (or morals)."

The individual liberties of the people and the stability of the institutions of a republic depend primarily on the mental, moral, and physical health of the people, and are best secured by its people being homogeneous, speaking the same language, and occupying contiguous territory. The miscegenation of the white with the yellow race always results in the production of a hybrid mongrel, mentally, morally, and physically inferior to both races, inheriting the mental and physical defects and vices of both parents. It does not elevate the yellow race and does deteriorate the white race.

It is the duty of our Government to protect itself and its citizens against foreign invasion and commercial and industrial exploitation, whether they come in the shape of bombarding men-of-war and devastating armies or in the shape of passenger and freight ships carrying cheap labor and cheap goods.

Japan is the only Asiatic nation that has evidenced any desire to adopt the civilization of the Occident, and she only wishes to borrow our science and mechanical inventions. Her leading statesmen do not hesitate to say that Japan has no use for our literature, our religion, our morals, and our ethics of life, on which our civilization is founded.

The Mongolian, Tartar, and Hindu—Asiatics—ought to be excluded from American soil. Even a small number of them sprinkled through our population has a tendency to reduce the American standard of wages and to lower the morals and degrade the habits of those brought in close social contact with them. It is essential that the blood of the American-Europeans of this country, who, together with their ancestors, developed civilization to its present state, should be kept pure and free from the taint of the decadent orientalism of China, Japan, and India. We have no quarrel with those people. We wish them well in their own countries, but we do not want them in ours.

28891—12762

C. F. Curry

PANAMA CANAL

SPEECH

OF

HON. C. F. CURRY

OF CALIFORNIA

AGAINST THE REPEAL OF FREE TOLLS

IN THE

HOUSE OF REPRESENTATIVES

MARCH 28, 1914

WASHINGTON
1914

38203—13095

UNITED STATES OF AMERICA
GOVERNMENT PRINTING OFFICE

SPEECH

OF

HON. C. F. CURRY.

The House had under consideration the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. CURRY. Mr. Speaker, notwithstanding the fact that President Woodrow Wilson was elected by the suffrage of a plurality of the voters, no man was ever inaugurated President of the United States who was held in higher personal esteem than he. Regardless of party affiliation he possessed the good will of the people and they honestly desired that his administration should be a successful one. He was for many months subjected to less criticism by the newspapers and his political opponents than had any President who had preceded him at the commencement of their terms, with the possible exception of President Monroe. Members of Congress refrained from criticising his foreign and domestic policies, even though they may have been opposed to his foreign policy as unforceful and endangering our influential position in international affairs, particularly as they affect our own interests on the American continents, and opposed to his domestic policy as being economically fundamentally unsound. Everyone wanted as little friction as possible, as the people were adjusting themselves to the new conditions caused by the sudden and violent changes in business readjustments and employments of the people caused by his economic domestic policies, and we, not of his party, hoped against hope that his lack of a definite foreign policy would not result in entangling and detrimental foreign alliances and complications before he could either develop one of his own or would accept the diplomatic policy developed by his predecessor, and under which this Government had during recent years occupied a position of international power and influence,

maintained the honor, and protected the welfare of the Nation. I realize with sincere regret that our hopes were doomed to disappointment.

The most humiliating duty of my life was listening to the President of the United States ignore his publicly uttered pre-election opinion, repudiate a fundamental plank in the platform of his party, on which he was elected and to which he unqualifiedly subscribed, and instruct Congress to stultify itself and repeal the section of the law granting free tolls to American coastwise shipping using the Panama Canal, and thus definitely acknowledge to the world that this country has surrendered the moral and, under international law, long and firmly established legal right of every nation to exercise absolute sovereignty over its coastwise shipping commerce. The President delivered his instructions in a few didactic sentences, but his message contained no explanation of his change of mind on this most important subject and gave Congress no facts to sustain his position and no reason other than his personal command to reverse itself.

In all of the President's writings, including his messages to Congress, he used terse and classical English, which proves that he knows the meaning and value of the words of our language.

There has been no change in the English language recently. The words and the sentences in the Hay-Pauncefote treaty mean exactly the same to-day as they did when Congress, after mature deliberation, included the provision in the act and when Mr. Woodrow Wilson as a candidate for President of the United States was positive that within the meaning of that treaty Congress had the right without violating treaty obligations to exempt our coastwise ships from paying canal tolls. I wonder what influence has caused this change to come over the spirit of his dreams since his election to the Presidency. It may be that the shortage of railroad freight due to the paralysis of trade caused by the economic policies of the administration has appealed to him and that, in addition to permitting the railroads to increase their freight rates to make up for the shortage, he intends to minimize water competition with the transcontinental railroads. Or it may be accounted for as a

state of mind due to his unique and peculiar temperament and to his scholastic training and habits of thought. Comparing his present-day papers and utterances with his past writings and speeches demonstrates that the President has frequently changed his mind on many fundamental principles of government. Or the change may be attributable to the insidious, subtle, malignant influence and pressure of British diplomacy.

While the President was delivering his message to Congress the Secretary of State sat in the diplomatic gallery of the House, smiling, nodding approval, and applauding, evidently for the moment forgetting that the Democratic platform adopted at Baltimore contained the words: "We favor exemption from tolls of American ships engaged in coastwise trade passing through the canal," and that every sentence in the Baltimore platform was written or approved by him; that not a word or punctuation mark was inserted in that platform without being first submitted to and indorsed by him. The presidential nominee was undoubtedly correct when he said, "That platform was not molasses to catch flies." Certainly it was not. But if not, what was it, in the present opinion of the President, so far as this particular plank is concerned?

If Congress concedes to the President on the free-tolls proposition it may not be long before some foreign country may object to our fortifying the canal, contending that under the treaty we are only permitted to police it, and when that point is conceded by a complacent President and a subservient Congress, some other nation may object to the ships of our Navy using the canal toll free, and another nation may raise the point that the neutralization of the canal means that it can only be used as a neutral port by our Navy in the event that our country should become engaged in a foreign war.

The adoption of the toll amendment recommended by the Committee on Interstate and Foreign Commerce will result in the ships of our Navy being compelled to pay tolls. The action of the committee was taken without any formal protest having been made—so far as the House possesses knowledge on the subject—against our ships of war passing through the canal toll free.

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The Panama Canal Zone was made habitable and healthy by American scientists. The canal was planned and its construction supervised by American engineers, and the expert work on it was done by American mechanics. It was built on American soil by the American Government with American money primarily for the benefit of the American people, but it was also, by the Hay-Pauncefote treaty with Great Britain, neutralized for the shipping of the nations of the world on terms of equality so far as use and tolls are concerned. No nation questions the fact that the United States possesses the plenary governmental power of sovereignty in the Canal Zone, or that it owns the canal and has the authority and right to fix and collect just and equitable tolls on shipping going through the canal. We have recognized our treaty obligations by placing American ships engaged in the general carrying trade of the world's commerce on the same footing as foreign ships, only exempting our ships in the coastwise trade, they not coming into competition with foreign ships. The Canal Zone is as much a part of the United States as is Alaska or the District of Columbia. It is an integral part of our coastwise shipping route. We have the inherent right, which right was not abrogated by the treaty, to pass laws for the government and control of and to permit to pass through the canal free of toll our coastwise interstate shipping. By doing so we are not injuring the shipping of any foreign country.

Since 1817 no ship flying a foreign flag has been permitted to engage in our domestic coastwise shipping commerce. With the exception of our Navy and our ships engaged in our coastwise trade, all foreign and American ships will be charged the same rate of tolls. Exempting our coastwise vessels from tolls will not increase the tolls on foreign ships. Collecting tolls on our coastwise ships would not decrease the tolls to be collected on foreign ships.

If the exemption from tolls of our coastwise ships is in conflict with the Hay-Pauncefote treaty, that section of the law is null and void and of no effect. Why not have the Supreme Court pass on the question? Is it because the question has been practically passed on and decided in the case of Olsen *v.* Smith (195 U. S., 332)?

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The opinion in this case was written by Mr. Justice White, now Chief Justice of the United States Supreme Court, and declared that a British vessel engaged in foreign commerce was not entitled under the treaty of 1815 from the exemption from paying pilotage accorded by the law of the State of Texas to American vessels engaged in the coastwise trade. The decision involved the judicial interpretation of the second article of that treaty, which is as follows:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

This treaty was to be obligatory for 4 years from its ratification, but it was extended for 10 years by the convention of October 20, 1818, and indefinitely extended by the convention of August 6, 1827, so that it is a subsisting treaty to-day.

In the course of the judgment rendered by Mr. Justice White he said:

> Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State laws concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign. (Olsen *v.* Smith, 195 U. S., 332.)

Not only has this interpretation of the treaty of 1815 been adopted and carried into practice by Great Britain for nearly a century, thus giving it the same validity as though a clause exempting coastwise trade had been therein inserted, but England's continued silence and acquiesence and failure to object to a like interpretation by the Supreme Court of the United States in the case cited is in itself an implied ratification and adoption thereof and is equivalent in its consequences to an express declaration of approval.

If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged in the coastwise trade, as I feel has been sufficiently demonstrated, it is difficult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty, does include them.

England has always carried out the same policy as that of the United States with reference to her coastwise vessels, either by safeguarding her home trade diplomatically in express exemptions in treaties or by subjecting her coastwise vessels to other and different dues and charges from vessels engaged in the over-seas trade, thus practically discriminating in favor of her own domestic marine.

In principle the two things are the same, the result being that the stranger coming from over the seas, in spite of all the pretense of uniformity, mutuality, and equality of treatment, has to pay larger and heavier port dues than the British coastwise vessel, and this is the practice at British ports to-day, as it has always been, even in spite of the most formal treaty stipulations to the contrary. While to-day England's coastwise trade is open to ships of other nations, yet this was not always so, for at one time it was provided by law that no goods or passengers should be carried coastward from one port of the United Kingdom to another except in British ships, the same act defining what the coastwise trade was, and as late as in 1870 it was provided by act of Parliament that no goods or passengers should be carried by water from one port of Canada to another except in British ships. The whole history of English diplomacy has been uniform with that of the United States and other commercial countries either in specifically exempting coastwise trade from its conventions and treaties or by doing so in establishing different and other duties and charges for her coastwise marine than those imposed at the same ports on vessels engaged in the over-seas trade.

It appears that the United States has expressly excepted its coastwise trade in 31 treaties with other commercial countries, while Great Britain, on her part, has also solemnly and diplomatically made the same reservation in 31 treaties with foreign nations, so that no fewer than 47 commercial countries among the international federation of friendly powers of the world have by treaty pronounced themselves in favor of the inviolability of home or coastwise trade from foreign intrusion; and those countries that have not so formally expressed themselves have by their local laws or immemorial custom tenaciously declined to place their coasting vessels on an equality with or in the same category as foreign vessels. This right of a nation to dominate over its own domestic maritime trade has been of such constant and unquestioned recognition that it has become practically a principle of the law of nations. The usage of nations is the best guide in the interpretation of treaties, and if one takes this as evidence of how the treaty-making powers of the world have accepted and understood the terms "vessels of commerce of nations," or "vessels," it becomes evident that they have never in a single instance been regarded as referring to or including any vessels but those engaged in the over-seas commerce and as not embracing the coasting trade. All nations have joined in establishing this principle and have insisted in perpetuating it, many under express treaty stipulations, while those nations who have not thus formally recorded their approval of the doctrine have nevertheless done so tacitly, and by themselves either by adopting laws to this effect or by applying other and different duties and charges to vessels engaged in foreign commerce than to those following the coastwise trade.

It may be argued that these treaty provisions specifically exempting coastwise vessels are evidence that Great Britain and the United States in omitting them in their treaties thereby recognized that the treaties between these countries included both foreign and coastwise vessels,

but such an argument is without merit, because the fact exists to-day, as it has for generations, that England herself discriminates in favor of her own vessels engaged in the coasting trade.

The foregoing comments on the Olsen *v.* Smith case and its application to the Hay-Pauncefote treaty and the British protest against canal-toll exemption of American coastwise ships I have quoted from an able and carefully prepared article written by Mr. C. A. Hereshoff-Bartlett, L. L. B., in which he maintains the legal and moral right of the United States to exempt its coastwise ships from paying the canal tolls. The article was published in the November, 1912, number of the London Law Magazine and Review. In the same number of that journal Mr. Edward S. Cox-Sinclair, in an exhaustive and learned article, also upholds the position of the United States. He concludes his article as follows:

To sum up, it is reasonably arguable—

(a) That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice;

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

Both Mr. Hereshoff-Bartlett and Mr. Cox-Sinclair are recognized not only in Great Britain but throughout the world as authorities on international law.

I have heard it contended that should Congress refuse or fail to concede to the British protest and repeal the free-toll provision we would be forced under the provisions of the treaty of April 4, 1908, to submit the question to The Hague for arbitration, and would lose, as the representatives of all other nations are against us. I do not believe it to be true that all other nations side with England in her unjust protest. But, true or not, the question is not one that comes within the purview of the treaty as demanding its submission to The Hague, but is, on the contrary, one that is exempted by an express provision in the treaty from requiring such submission. That section of the treaty reads as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall

be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

The protest is made by Great Britain and concerns the United States alone and no third or other nation. It is a question involving our treatment of our coastwise ships engaged in interstate domestic commerce in which foreign ships are not permitted to engage; it affects the vital interests, the independence, and the honor of the United States, and we are not therefore under either moral or treaty obligations to arbitrate it.

It would seem that the right of the United States to exempt its coastwise shipping from the canal tolls is so plain that the President, to accomplish his undivulged purpose, found it necessary to instruct Congress to stultify itself and humiliate the Nation, but he did not deign to include in his remarkable message any reasons as to why such an undignified surrender of our rights should be made.

I, for one, will not sit quietly by and without protest permit the United States to be made a British province by the ipse dixit of the President.

Some foreign Governments subsidize their merchant marine. We do not subsidize ours. Russia reimburses its merchant ships for tolls paid for passing through the Suez Canal, and no protest by any Government has been made against that practice. Subsidized ships and ships that will be reimbursed by their government for tolls collected will use the Panama Canal without protest from this or any other nation. Spain has already passed such a law. And shall we permit a false meaning to be read into the Hay-Pauncefote treaty and cravenly surrender our right to legislate as we please for our own ships on our own coasts? The idea is preposterous. The submission of an American President and an American Congress to such a false interpretation by a foreign Government is almost unthinkable.

Our Government should faithfully live up to and keep the letter and spirit of its treaty obligations, but it should not permit the meaning of one sentence in a treaty to be twisted to its detriment by any foreign Government, potentate, or power.

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The protest of Great Britain against the exemption from tolls by the United States of her coastwise vessels is based on two principal grounds: First, that the exemption is inconsistent with the provisions of the Hay-Pauncefote treaty that the canal shall be open to all nations on terms of entire equality, and secondly, that the exemption of American coastwise vessels would inevitably tend to increase the charges on all other vessels using the canal to the disadvantage of all other nations in comparison with the United States.

Neither objection is well taken, and neither Great Britain nor the President has offered or attempted to offer any statistics, reasons, or arguments to sustain either. The first objection is based on the sentence in the treaty which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

I have, I believe, conclusively shown that this section does not apply to our coastwise ships; but if it is held to apply to our interstate-commerce ships, it also applies to our Navy, and not even British diplomacy has as yet contended that it applies to our ships of war.

The second objection is nothing but an arbitrary ex parte assertion, without any attempt being made to support it with facts. It may be answered by the statement that the collection or the noncollection of tolls on our coastwise shipping will neither increase nor decrease the tolls that will be collected from other shipping, as the tolls have been fixed at $1.20 per net ton, not to be increased to more than $1.25 per net ton.

England's objection may be induced by her anxiety to protect her South American commercial interests from competition with this country, or it may be she believes that without the advantage of toll exemption American goods manufactured in our Atlantic States will not be able to compete with British goods in our Pacific States market, and that incidentally the development of manufacturing industries on the Pacific coast will be discouraged. But I think her real, though unexpressed, objection is twofold: First, to help the Canadian railways and Canadian commerce; second, to discourage American capital and American enterprise from turning its attention to the sea, fear-

ing that the United States may again become a great maritime power and contest with her the supremacy of the ocean.

We have exempted these tolls in the interest of low freight rates on our interstate waterway commerce and to keep interstate railway freight rates down to a minimum. As a further effort in that direction we have denied free tolls to railroad-owned ships and have said to the transcontinental railroads, "Hands off the Panama Canal," and it is the expressed intention of the chairman of the Committee on Merchant Marine and Fisheries to report a bill to the House placing the shipping of the United States engaged in the interstate carrying trade under the authority and jurisdiction of the Interstate Commerce Commission, so far as passenger and freight rates are concerned. This will insure the benefit of free tolls going to the shippers and not to the ship and navigation companies.

Neither Great Britain nor any other non-American Government could own, dig, or operate the Panama Canal. The Monroe doctrine would estop them from doing so, and that doctrine was suggested by Mr. George Canning, the minister of foreign affairs of Great Britain, in 1823, to Mr. Richard Rush, the American minister to the British Court. The immediate purpose of its promulgation by President Monroe was to prohibit and prevent the consummation of the intention of the Holy Alliance to assist Spain to resubjugate and then to partition among themselves the revolted Spanish-American colonies. England's interest in maintaining the independence of the Latin-American Republics was not altruistic. She had then, as she has now, an extensive trade with those countries, and if they should be resubjugated by the mother country, it would be a severe blow to her commerce, so she diplomatically used the patriotism and love of liberty of the people of the United States to help her protect and maintain her South American trade.

The so-called Monroe doctrine was delivered to Congress by President Monroe in his annual message December 2, 1823. The sum and substance of that doctrine is contained in one sentence, as follows:

> We owe it therefore to candor and to the amicable relations existing between these powers and the United States to declare that we should

consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the governments that have declared their independence and maintained it, whose independence we have on great consideration and just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as manifestation of an unfriendly disposition toward the United States.

Which is the language of diplomacy for saying it would be considered a just cause for war.

That message ended European conquest, acquisition of territory, and colonization on the American Continents.

President Polk, elucidating the doctrine, in his annual message of December 2, 1845, declared that while existing rights of all European nations should be respected, it was—

distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on the North American Continent.

The Monroe doctrine was invoked by President Cleveland in the Great Britain-Venezuela boundary question on December 17, 1895. He said:

If any European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring republics against the will and in derogation of its rights, it would be regarded as dangerous to our peace and safety.

President Roosevelt in his message to Congress December 3, 1901, said:

The Monroe doctrine is a declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil. It is in no wise intended as hostile to any nation in the Old World. This doctrine has nothing to do with the commercial relations of any American power save that it in truth allows each of them to form such as it desires. We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of acquisition of territory by any non-American power.

The Monroe doctrine is generally recognized by the nations as a principle of American policy. It has been accepted by Great Britain from the date of its promulgation; it was observed by Germany in her trouble with Venezuela in 1901–2; and it has by unanimous consent been spread on the minutes of The Hague Conference.

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But, Mr. Speaker, the Monroe doctrine does not require the United States to police the Americas or act as a bad-debt collector. Neither does it impose on us the duty of maintaining peace and order or a stable government in our sister Republics. It does not prohibit a European country from waging a just war against an American Republic, nor does it require the United States to intervene in the event of such a war being declared. But it does mean that no European or other non-American Government shall acquire American territory as the result of such a war or otherwise. Great Britain could not have built the canal without acquiring American territory. Under the Monroe doctrine she could not have acquired it.

The policies and achievements of the President certainly can not be viewed with satisfaction and commendation by his political adherents. He made a failure of the tariff act, even from a Democratic standpoint, by interjecting himself into the situation and forcing the Ways and Means Committee to accept his views instead of the views of the men of his party on that committee who had practical experience and possessed expert and technical knowledge of the subject. He made a failure of the banking and currency act, so far as the bill as it originally passed the House is concerned, although many of the crudities of the House bill were amended out of it in the Senate, not because the President wished the House bill to be amended but because the Senate would not pass it without amending it so as to make it workable and in a degree effective.

His experimental diplomacy has proven to be a failure. When he was inaugurated as President our diplomatic relations with all the world were friendly, influential, and dignified. To-day they are unfriendly, ineffective, and ridiculous. I wonder if his "watchful-waiting" policy of treating the Mexican situation has resulted in producing embarrassing international complications, and that his unexplained change of mind on the exemption of our coastwise ships from the canal tolls and his orders to Congress to stultify itself on that question is a last desperate attempt to extricate himself from an exceedingly unpleasant and entangled diplomatic dilemma.

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In the last paragraph of his message the President asks Congress "to repeal that provision of the Panama Canal act of August 24, 1912, which exempts vessels of the United States engaged in the coastwise trade from the payment of the tolls," in the following remarkable language:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequences if you do not grant it to me in ungrudging measure.

I was amazed at the utterance. It was the first time in many months that I had heard the administration accused of having a foreign policy, and the request of the President has not convinced me that it has. His astounding statement that unless Congress ungrudgingly complies with his advice and accedes to the insufferable demand of Great Britain he will not know what to do, I take for granted to be true, but regret he thought it necessary to make the admission.

Hypocritical, pharisaical, phylactery-wearing Albion. Always diplomatically punishing some nation for that nation's benefit. You can assume an air of sanctimonious innocence and virtue and deceitfully appear to display an unselfish, disinterested interest in the advancement of mankind, to the sacrifice of your material welfare. Surely British diplomacy is something wonderful to contemplate. It beat us out of the St. Lawrence River, the intervening territory, and half of the Great Lakes, with the exception of Lake Michigan, by the treaty of peace at the close of the Revolutionary War. It beat us out of what we fought for in the War of 1812, and kept all reference to the right of search of merchantmen and the word "impressment" out of the treaty of Ghent. It beat us out of the territory lying between the forty-ninth parallel and 54° 40′ north in the Oregon Territory boundary settlement. Polk's campaign cry was, "Fifty-four-forty or fight," but British diplomacy fixed the boundary at the forty-ninth parallel just the same, and there was no fight; and on the western coast we dropped the line south and gave her half of the Strait of Juan de Fuca and of the island of Vancouver. It has gotten the best of us in all of our fisheries treaties, and now, after England has kindly permitted us to spend $400,000,000 of our own money in digging the Panama

Canal, the pressure of British diplomacy has induced the President of the United States to change his mind and send to Congress the most remarkable state paper ever written, advising the legislative branch of the Government to surrender its legal and moral right under the law of nations to pass our own interstate coastwise commerce toll free through our own canal dug on our own soil.

Mr. Speaker, I would rather that the Panama Canal should be utterly destroyed by earthquakes and slides and made impassable forever than that this country should concede to the President's request, recede from the Monroe doctrine, and accede to the unjust and technical protest of Great Britain.

Will Congress obey the President? I hope not. We are not compelled to give way to Great Britain in order to gain or retain her support and friendly offices in our international relations with other countries. Her immense volume of trade with the United States makes such a course by her necessary in the interest of her material business welfare, and then, again, Canada is closer and more friendly to the United States than the Philippines are to Japan.

The President is an exceedingly erudite, well-meaning, kindly, polished gentleman, more highly educated and possessing more knowledge, if not more wisdom, than any of his predecessors. During the short time he has occupied the presidential chair it has been demonstrated conclusively that it is one of the most easy of intellectual efforts for a scholastic idealist to dream dreams, evolve theories, and in imagination govern the world from a philosopher's chair, but that when it comes to dealing with flesh and blood, human nature, economic conditions, and national and international problems as they are it is an entirely different proposition. It is not dreams and theories but facts and conditions that must be considered, not abstract philosophy but concrete wisdom that must be used to effectively govern a people in such a manner as to surely safeguard their rights and liberties and advance their prosperity at home, and to protect the national welfare and maintain the dignity, honor, and power of the Commonwealth abroad. [Applause.]

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State Harbor Improvement

Pacific Seaboard States Preparing for Panama Canal Shipping

$100,000,000 to be Expended

Address delivered by John T. Flynn, Consulting Engineer California River and Harbor League, before the Mission Promotion Association of San Francisco, August 1, 1910, on the subject of "State Harbor Improvement", in accordance with the pending Bond Act to be voted upon in November.

"If the people of the State of California desire to impress upon Congress in a business way, their unquestioned right to national recognition on the Exposition matter, above all other claimants, I would advise them to vote solidly for the pending State Harbor Bonds, amounting to $11,500,000, and thus show Congress, that the people of California—above those of any other State, are helping to make a commercial success of the Panama Canal, by furnishing ample public dockage for the ships which are to use that great inter-oceanic highway.

This would not only be a sentimental recognition of the nation's great canal enterprise, but a business one as well, and would carry greater weight with Congress, in my opinion, than any private subscription, no matter how great.

FEDERAL GOVERNMENT INTERESTED.

After expending four hundred million dollars in the construction of the Panama Canal, the people are going to demand—and they have a right to demand—that it become a source of revenue through the collection of ship tolls. If there is no suitable place for those great inter-oceanic ships to land upon their arrival upon the Pacific Coast, it is apparent that there can be no shipping through the Canal, and consequently no revenue for the Federal Government. And there can be no shipping without modern dock facilities.

The value of a 10,000 tons' ship's time is $1,000 per day. If that ship cannot find a suitable berth upon its arrival at the Pacific ports, shippers could not afford to ship that way, because they would have to pay the $1,000 per day demurrage, which would be prohibitive.

DOCK SYSTEM OWNED BY STATE.

In order to defeat that condition of affairs, the Legislative Harbor Committee of the last Legislature recommended that the sum of ten million dollars' worth of seventy-five year harbor bonds be authorized for the purchase of certain shore lands, the extension of the seawall and belt line railroad, and the construction of a great inner-dock system in the port of San Francisco, which belongs to the State of California, and the further sum of one million five hundred thousand dollars for the construction of a seawall upon the State's property in the port of San Diego.

The object of that bond issue was to make suitable provision for the hundreds of ships which are to use the Panama Canal upon its completion. When it is considered that those ships will pay the United States Government about $2.00 per ton per trip in tolls, or a sum ranging from $20,000 to $30,000 per ship per trip, the value and necessity of great public docks becomes apparent.

HARBOR BONDS THEORETICAL DEBT ONLY.

By voting these bonds in November, the people of California cannot only convince Congress of their right to national recognition, but give to the producers of the State the relief in rates to which they are justly entitled. And the beauty of this outlay is, that it does not carry with it a dollar of direct taxation—the tolls from the docks being sufficient to meet the interest and redeem the bonds upon maturity.

The State of California, as the owner of the dock system of San Francisco, has expended since 1863, the sum of $25,530,000 on the docks of San Francisco without one dollar of direct taxation to the people, and that too, while providing the lowest dock charges of any port in America. That dock property would today sell at public auction, for $250,000,000.

To continue that work, which is an immediate necessity, if California is to come into possession of its own, is the object of the bond issue to be voted upon in November. The benefit of public dock construction, unlike that of other public buildings or outlays, is not confined to the port where that work is actually carried out, but extends to every part of the State in the form of reduced transportation charges.

CALIFORNIA'S MOST VALUABLE ASSET.

After giving due consideration to all the stories of so-called State corruption and all that sort of thing, including a recognition of the waste of millions of dollars in the early history of the work in the construction of the worthless wood docks and loose rock seawalls of San Francisco, which cost $150,000 per year for repairs alone, it can still be said, that the most valuable thing owned by the State of California today is the San Francisco dock system. It is the one thing that has held in check the railroads' complete control of California's commerce. And in this connection I might say that the only place upon the Pacific Coast today where a 10,000 ton ship could land without permission from a transcontinental railroad, is San Francisco.

RAILROAD DOCK MONOPOLY.

Every commercial dock on the Pacific Coast, commencing at Bellingham, the most northerly point on Puget Sound, and including Everett, Seattle, Tacoma, Port Townsend, Astoria, Portland, Oakland, San Pedro and San Diego, is either owned outright or controlled by one or more of the transcontinental railroads. The Hill system owns practically all of the docks of Tacoma, not owned by the Chicago, Milwaukee & St. Paul Railway, while the Harriman System owns every commercial dock in Portland and Astoria, and about every dock in the State of California, except those owned by the State in San Francisco. This will furnish some idea of what the water shipper will be "up against" when the Panama Canal liner attempts to compete with the transcontinental railroads."

WATER RATES VS. RAIL RATES.

The State of California has more at stake in the success or failure of the Panama Canal as a commercial enterprise, than any other state in the Union. With a seaboard of nearly one thousand miles, or more than twice that of any other State, and equipped by nature with several natural harbors, it produces and ships by rail more pounds of freight per capita beyond its boundaries, and pays a greater average rate on its products than any other State. The average transcontinental rail rate between the Atlantic and Pacific seaboards, is $26 per ton. The cost of moving that freight by water through the Panama Canal, on a twenty day schedule, as against a twenty-one day schedule by rail, would not exceed $6 per ton. The difference between the two rates, would mean a saving to the producers and shippers of California to the amount of over ten million dollars per year. But in order to secure that saving in rates, ample public dockage must be provided. The railroad cannot afford to, and will not build ships or docks in competition with itself. That is the duty of the people of the State of California, and the time for doing that is at the election to be held in November of this year.

PUBLIC DOCKS OF OTHER CITIES.

Every great maritime city in the world, without a single exception, has publicly owned docks. And the rise or decline of all shipping ports has been in exact proportion to their outlay for public docks.

Among the great ports of the world, together with the cost of their several dock systems, may be mentioned:

London	$250,000,000
Liverpool	225,000,000
Glasgow	100,000,000
Bristol	24,000,000
Hamburg	72,000,000
Rotterdam	32,000,000
Havre	39,000,000
Antwerp	44,000,000
Bremen	38,000,000
Manchester	75,000,000
Buenos Ayres	35,000,000

Bombay	20,000,000
Marseilles	28,000,000
Amsterdam	35,000,000
Rio de Janeiro	35,000,000
Valparaiso	25,000,000
Salina Cruz, Mexico	20,000,000
Puerto, Mexico	15,000,000
Manila	5,000,000

EXPERIENCE OF NEW YORK.

The City of New York has expended $100,000,000 on its public docks and has seen its commerce grow by leaps and bounds, while Philadelphia, which a few years ago leased its public wharves to the Pennsylvania Railroad, saw its commerce diverted to New York City.

Profiting by previous mistakes, the cities of Philadelphia, Baltimore and New Orleans are now expending $50,000,000 in public harbor improvements in contemplation of the ocean commerce which is certain to follow the completion of tho Panama Canal.

WHAT OTHER COAST CITIES ARE DOING.

In the list of Pacific Coast cities which either have harbor work under way, or are awaiting the necessary legislation therefor, are Seattle, $10,000,000; Tacoma, $5,000,000; Portland, $10,000,000; Los Angeles, $10,000,000; San Francisco, $10,000,000; San Diego, $6,000,000; Marshfield, Ore., $500,000; Astoria, Ore., $2,000,000; Mazatlan, $15,000,000, as well as many other points along the Pacific Slope.

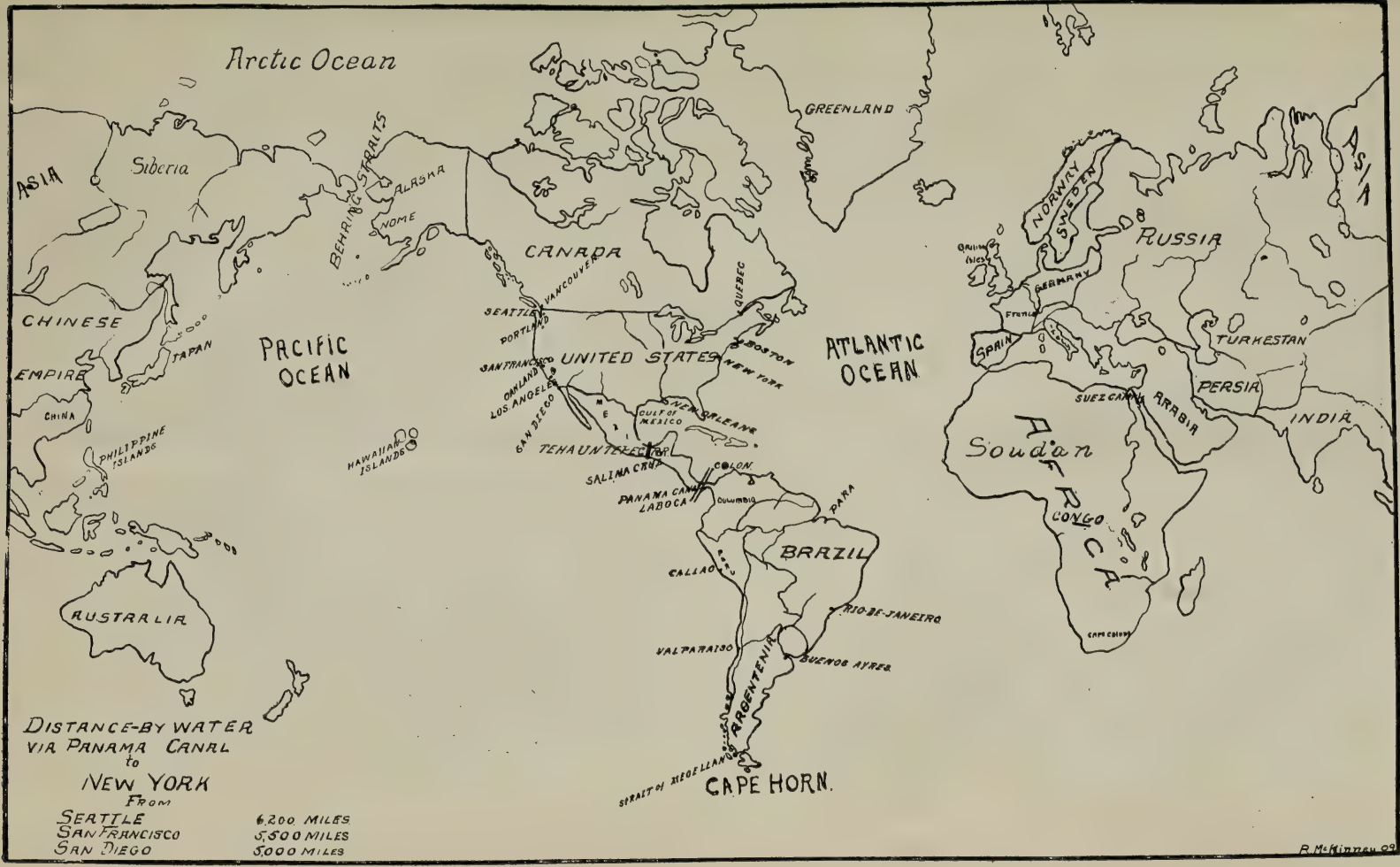
Money expended in harbor improvements means increased shipping, increased industrial activity, increased business, decreased cost of transportation, increased property values, and increased prosperity in every channel of trade. This has been the history of every seaport in the world from Manila to Manchester.

CANAL TO BE COMPLETED IN FIVE YEARS.

According to the official announcement of the United States Engineers in charge of the work, the Panama Canal will be completed and open for business inside of five years. That means that ports of the Pacific must have their water fronts equipped—not with the little antiquated docks and piers of today, but with modern piers or docks, not less than 800 feet in length, supplied with railroad tracks, traveling cranes, and every facility for the quick dispatch of freight. To carry out this work, requires from three to five years, even under the most favorable conditions. The port that is not prepared for the Panama Canal shipping when it comes, will never secure it afterward, for a trade of that kind, when once established, is not easily diverted. Ten and fifteen thousand ton ships—such as will necessarily employ the canal—cannot be switched from pillar to post like the steam schooner of today.

STATE OR CITY OWNERSHIP, WHICH?

The people of the State of California voted down the state harbor improvement bonds at the last general election, through an unfortunate misunderstanding of the facts. Since that time, the cities of Oakland and Los Angeles, have undertaken the work of harbor improvement on municipal account. Oakland voted harbor bonds to the amount of $2,500,000, the first installment of a $10,000,000, probable issue, while Los Angeles voted $3,000,000, on an ultimate outlay of $10,000,000 for the port of San Pedro, which has been absorbed by the City of Los Angeles. If the people of these two cities, as State voters, should cast their ballots against the State harbor bonds, for any reason, then the two great seaport cities of San Francisco and San Diego, where state ownership prevails, would find themselves in the unenviable plight of being unable to either secure state help or to help themselves. The people of the State must either vote to improve these properties, in response to the growing demands of commerce, at the ensuing election, or else cede these water front holdings to San Francisco and San Diego, and thus permit them to do what the State refuses to do. It cannot, and it ought not, to be said, that the State of California, with a thousand miles of Pacific shore line, and a commerce of 30,000,000 tons a year, has made no provision for the ships of the Panama Canal."



DISTANCE-BY WATER
VIA PANAMA CANAL
to
NEW YORK
FROM

SEATTLE	6,200 MILES
SAN FRANCISCO	5,500 MILES
SAN DIEGO	5,000 MILES

R. McKinnon 09

7.

THE UNDERWOOD TARIFF BILL WILL DESTROY OUR PROSPERITY

SPEECH

OF

HON. CHARLES FORREST CURRY

OF CALIFORNIA

IN THE

HOUSE OF REPRESENTATIVES

APRIL 23, 1913

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

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SPEECH

OF

HON. CHARLES FORREST CURRY.

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. CURRY. Mr. Chairman, free trade, or a tariff for revenue only with incidental protection, which is the nearest possible approach to free trade in this country, is a fraud, a delusion, and a snare, and can only be supported by fallacious reasoning.

Political economy, while based on certain fundamental economic axioms and accepted rules of right and wrong governing business dealings between man and man and nation and nation in the production and distribution of wealth, is not an exact science as arithmetic and geometry are exact sciences. Every country must develop a political economy of its own, suitable to its physical conditions and to the occupations, character, and habits of life of its citizens. Experience from the beginning of the Government has proved that a protective tariff is necessary for the prosperity of our people.

Our Government owes its citizens protection from foreign invasion, whether that invasion comes in the shape of bombarding men-of-war and devastating armies, or whether it comes in the shape of passenger and freight ships loaded with cheap labor and cheap goods.

The tariff is not a law of the Medes and Persians. Its very nature makes the revision of at least portions of it frequently necessary to meet changed and changing conditions governing the production and distribution of wealth and the revenue needs of the Government; but in any revision of the tariff the principle of protection to home industry—to American labor and American capital—should always be kept in view. The first tariff act under the Constitution, in 1789, recognized this principle, and, among other reasons for its enactment, stated one to be for "the encouragement and protection of manufactures." From that day to this the material welfare of the people of the United States has always wonderfully developed and their manufacturing and agricultural industries have prospered under the policies of a protective tariff, while a tariff for revenue only, with incidental protection, has always proved disastrous to the prosperity of the country and has resulted in financial panics and terrible business distress.

The present tariff should be revised, but it should not be tampered with under excitement. Changes should not be made under the influence of partisan fervor, or enthusiasm, or byplay, but should be made only after calm and serious consideration as to the effect it will have on the revenue of the Government and the prosperity and happiness of the people.

I believe the time has come when reciprocity trade treaties should be made the handmaiden of our protective-tariff policy.

I recognize the fact that the tariff should protect an industry or product only as long as it needs protection and for the minimum amount necessary to insure it against unprofitable competition with foreign articles or products in the American market, and that an American product or manufactured article that is wholesaled for exportation cheaper than it is wholesaled for home consumption should be placed on the free list.

Some sections of the Underwood bill I should like to vote for, but you are depriving me of that privilege by forcing it through the House as a whole; and as a whole it will cheapen men more than it will cheapen commodities; it will throttle American enterprise and strangle American industry, and it will not produce the wherewithal with which to purchase the "full market basket" you so boastfully proclaim it will provide. The present method of revising the tariff can not but be as it always has been—unsatisfactory.

On account of the lack of definite information as to the difference in the cost of production at home and abroad, and on account of the many diverse interests of the different sections of the United States, it is almost impossible for Congress, as a body, to frame an equitable and just tariff law covering all protected articles and articles on which are charged an import duty for revenue only. I hope the time will come in the not far distant future when a nonpartisan board or commission of tariff experts, after a thorough investigation of conditions and of the difference in the cost of production at home and abroad, will report their findings to Congress, and a just tariff measure will be enacted, and that it will be adopted schedule by schedule and item by item; to be changed from time to time, a schedule at a time or an item at a time, as conditions and occasion and the welfare of the people may require. Enacting an entire new tariff law, including in it all the articles on which a duty is levied, is wrong. The Members of Congress can not master all the details of such a bill during one session of Congress, and with the exception of those particular items in the bill that will affect their personal calling or business, the people are not given sufficient time to inform themselves as to the effect the measure will have on their prosperity and happiness.

Protection to American industry has resulted in protection to American labor and a high rate of wages and reasonable hours of labor, as well as protection to American capital and the encouragement of American enterprise.

Our internal commerce amounts to more than the combined international commerce of all other nations, of which we also have our share, and it certainly, therefore, must be worthy of our first consideration and protection.

The railroad mileage of the United States is one-half of the railroad mileage of the world, and our country yearly produces one-half of the mineral wealth, one-third of the agricultural wealth, and one-third of the manufacturing wealth of the world, and this has grown from small beginnings under the fostering care of a protective tariff.

The success of any project or enterprise depends on proper organization, intelligent direction, unity of action, and favorable conditions.

Organized labor has done more to shorten the hours of labor, increase the wages, and better the conditions of the American

working man and woman than has any other single influence, but without the protection to American industry extended by the tariff the efforts of organized labor could not have achieved the success it has in this country. The protective tariff made the conditions for organized labor favorable. When that protection is withdrawn the condition of the American artisan will retrograde, and will be no better than is that of his fellow in Great Britain.

Cromwell once said: "If there be anyone who makes many poor to make a few rich, that suits not commonwealth." That statement is as true to-day as it was when Cromwell uttered it.

Some people have referred to the protective tariff as the "mother of trusts and swollen fortunes," and have said that the existence of trusts and overgrown fortunes in our country is directly due to the protective tariff. The fact of the matter is that the patent laws of our country and the corporation laws of some of the States are more responsible for the formation and existence of trusts and the accumulation of great individual fortunes than is the tariff. Placing an article in which they deal and which they manufacture on the free list will not destroy trusts. Neither can any tariff law alone stop the drift toward the centralization of wealth and of power and the accumulation of great fortunes by the few which are sapping the foundation of our general prosperity and threatening the stability of our Government. That will require other remedial legislation; and I may say here that the income tax will not remedy that evil. Great Britain is a free-trade country, and the income tax she levies is burdensome, and yet Great Britain is the home of trusts and of great individual fortunes. Her business organization is founded on trusts. It is true that in our own country many trusts have been immorally and illegally formed, and, in my opinion, the tariff on any trust-controlled article should be lowered, and in many instances repealed. The tariff bill before Congress, if enacted, will not destroy trusts. One of its provisions gives the beet-sugar industry notice to wind up its affairs and get out of business inside of three years, and will destroy the only competitor the Sugar Trust has in this country, and will not in the long run result in the reduction of the price of sugar to the consumer. In my own State of California there are 13 beet-sugar factories, which last year turned out 168,765 tons of sugar, made from 1,037,499 tons of sugar beets, grown on 112,003 acres of land.

The cost of the production of beet sugar in California in the year 1912 was as follows:

For beets	$6,701,582.82
For labor in factories and fields	3,939,165.01
For railroad freights	1,811,112.46
For fuel oil	503,789.90
For lime rock	211,169.09
For bags	391,504.93
For other supplies	542,598.11
Total	14,100,922.32

The amount invested in factories, land, and equipment is $19,904,823.21.

The Alameda Sugar Co. had made arrangements to put up a beet-sugar factory at Meridian, in Sutter County. They contemplated spending $2,000,000 on the plant and acreage. They have stopped construction, although $45,000 worth of steel in-

tended to be used in the construction of the factory is on the ground.

The United States consumes of sugar per annum 3,500,000 tons. It produces of domestic cane from—

	Tons.
Porto Rico	300,000
Louisiana	300,000
Sandwich Islands	550,000
Domestic beet	650,000
Total	1,800,000

The balance, 1,700,000 tons, is obtained chiefly from Cuba.

The domestic cane-sugar supply has reached its limit of productivity. The prospect of making our country self-supplying, therefore, lies in the expansion of the sugar-beet industry.

The refining—so called—of Cuban sugar consists in the decolorizing of it at factories located at a few seaboard points. Nothing is produced, and only factory wages are distributed.

The beet-sugar industry employs the farmer to produce the beets from which it extracts the sugar. There is surely a difference of advantage to our Nation between merely washing raw cane sugar grown and purchased abroad and the manufacture of beet sugar, which is the product of beets grown on our soil, and for which the farmer receives at the very lowest price 2 cents a pound.

Any legislation which will destroy or prevent the expansion of the beet-sugar industry will be detrimental to the State of California and to the Nation.

It is not true that with the removal of the tariff on sugar the people will save $52,000,000 per year, that being the present total of sugar duties. The cost of sugar will follow the law of supply and demand, and to the extent that the present domestic supply is reduced to that extent must foreign sources be drawn upon, and with this increased demand the price of raw sugar will advance.

If the Government desires to cheapen the cost of sugar to the consumer—and it is as cheap to-day as it ever has been—its policy should be to encourage the multiplying of beet-sugar factories and let the competition between them take care of the selling price, as has been abundantly demonstrated during the past two years.

Without a due measure of protection the beet-sugar industry can not continue, and its stoppage means a check to the prosperity of the farmers and communities where beet-sugar factories have been located.

Mr. Chairman, I have a telegram here from Mr. L. B. Mallory, chief clerk of the Assembly of California, which I will read:

SACRAMENTO, CAL., *April 22, 1913.*

Hon. C. F. CURRY,
House of Representatives, Washington, D. C.:

I have the honor to hand you herewith copy of assembly joint resolution No. 18, adopted by senate and assembly and approved by the governor, relative to the protection of the California beet-sugar industry in the enactment by Congress of laws affecting tariffs on imports into the United States.

Whereas in the process of tariff revision by Congress, the indicated tendency is toward an abolition of all duties on imported sugar; and

Whereas such a policy would be calamitous to the cane and beet sugar industry of the Nation at large, and especially to the beet-sugar business of the State of California, which produces 165,000 tons per annum, or one-quarter of the beet-sugar output of the United States; and

Whereas the annual consumption of sugar in our country is now 3,500,000 tons per annum supplied, viz, from domestic cane grown in Porto Rico, Louisiana, and Sandwich Islands 1,100,000 tons; from beet sugar manufactured in 16 States 650,000 tons; making 1,750,000 tons; the balance being purchased from foreign countries and refined by a few corporations on the Atlantic seaboard, who are clamoring for free sugar in order that they may check the further invasion of their markets by the constantly growing beet-sugar industry; and

Whereas our Nation's beet-sugar output has increased from 40,000 tons in 1897 to 650,000 tons in 1912, a rate of increase greater than can be shown in any country in Europe during an equal period of time; while our cane-producing districts have apparently reached the limit of their productivity; and

Whereas this country should, and can, become self-supplying in the matter of sugar through the development of the beet-sugar industry, now involving the use of only 450,000 acres of land against 274,000,000 acres adapted to the cultivation of the sugar beet; and

Whereas the development of the industry is checked by the menace of a free-sugar bill, which will subject this product to competition with cane and beet sugar produced under the low-wage conditions in the Tropics and Europe, and at prices delivered at our seaboards lower than, under our conditions, is paid to the farmers of our State for the sugar in the beet before it is manufactured: Now, therefore, be it

Resolved, That the Legislature of the State of California (a majority of all members elected to senate and assembly voting for the adoption of this resolution and concurring therein) requests the Senate and House of Representatives of Congress at Washington, and the President of the United States, that due regard be had, in the consideration of tariff revision, for the claims of the beet-sugar industry, which is so full of promise to our Nation, and that the principle governing the revision of the tariff in this regard be, that the tariff should equalize the difference between the cost of production of sugar at home and abroad.

Resolved, That a copy of these resolutions be forwarded to each of the Members of Congress from the State of California, to be presented to the President and Congress.

L. B. MALLORY,
Chief Clerk of Assembly.

Under the protection of the tariff the horticultural and agricultural resources of California have been wonderfully developed during the past few years.

Manufactories of all kinds have sprung up over the State. To a great extent this development has been stopped because of the knowledge our people have of the blighting effect the tariff law it is expected this Congress will pass will have on the industries of California.

My State is one of the great bean-producing States of the Union, but the farmers of California can not stand competition with Mexican, Japanese, and Chinese beans with the tariff cut from 45 cents a bushel of 60 pounds to 25 cents a bushel.

Five years ago the Pacific coast had no competition from foreign beans, but beginning with the year 1909 a few beans from Japan made their first appearance in San Francisco. The varieties imported from Japan were at that time unknown and did not meet with a ready sale, but prices were made that were so attractive that they gradually worked into consumption. For three years—that is, from March, 1910, until March, 1913—the importation of beans from Chile, Mexico, China, and Japan amounted to 207,783 bags of 100 pounds each, or an average of 69,261 sacks a year. These figures explain the situation in a very few words and show how the importations of beans from the Orient, Mexico, and Chile have increased. All of these foreign beans are now known to the trade and are being quoted regularly, the same as are our staple California beans.

If the importation of beans has increased to such proportions paying a duty of 45 cents a bushel of 60 pounds, it can be readily

seen that the importation of beans will increase much more and be a much greater menace to the bean-growing industry of not only California but of the Nation if the duty is cut to 25 cents a bushel, as proposed in this law.

Every pound of foreign beans imported into this country takes the place of just so much beans grown on our own soil.

In view of the fact that foreign importations have increased so rapidly under the present duty, why should Congress entertain a proposition of reducing the duty to the detriment of our home product? It certainly can not be for the reason that the price of beans to the consumer is high, for the consumer hardly ever pays more than 3½ cents per pound for beans. At this figure it is a cheap article of food, and it permits of the farmer raising beans at a fair margin of profit to himself. Below this figure, however, it is not a profitable crop to the farmer and would eventually result in driving him out of the business.

In the Sacramento and San Joaquin Valleys there is produced under a normal crop about 2,000,000 sacks of beans, averaging 85 pounds to the sack, and this is less than half of the beans grown in the State. Great as this industry has grown to be in California, I believe that under proper tariff protection the acreage and production would be increased from year to year, but if the duty is reduced as contemplated in the Underwood bill it will result immediately in greatly reducing and curtailing the production and the acreage that will be planted and will eventually drive the bean farmers of California out of business. The price at which beans are now retailed to the consumer makes such a reduction of the tariff unnecessary and the contemplated reduction, if made, will be striking a fatal blow at what promises to be one of the most important farming industries in California. It is beyond my powers of reasoning to understand how the prosperity of this country or of any class of its citizens can be advanced and bettered by putting our people in direct competition with the coolie and cheap labor and cheap lands of Mexico, Chile, and of the Orient.

Over $200,000,000 are invested in the citrous-fruit industry in California; if this bill becomes a law no more acreage will be planted to citrous fruit in California.

The sweeping reduction of the tariff on deciduous fruits will stop further planting and make the present orchards unprofitable.

Within the past few years thousands of acres have been planted to filberts, almonds, and English walnuts. If this bill becomes a law not another acre will be planted, as it will not be profitable to grow them.

The consumption of pure olive oil in the United States is said to be 5,300,000 gallons per annum, of which 800,000 gallons are made from California olives and the balance is imported from Italy, France, Spain, and Greece.

The olive industry has been developed in California during the past few years, and even with the present tariff California olive oil can only be sold at a reasonable profit at a higher price than is commanded by the imported oil.

California now has 9,000 acres of olive orchards in bearing trees and 9,000 acres in growing trees not bearing.

In addition to the 800,000 gallons of olive oil produced in California last year, 4,000 tons of olives were used for pickling.

The reduction of the tariff on olive products proposed in this bill will stop further planting and will make the present orchards unprofitable; but should the present tariff be maintained California would in a few years be able to supply all the olive oil and pickled olives that would be used in the United States and might then stand a reduction without any material injury to the industry.

The Santa Clara and part of the Sonoma Valleys are covered with prune orchards. The small tariff placed on prunes by this bill will reduce the net proceeds of the prune orchardists so much that they will not receive a reasonable profit on the money invested and will discourage further planting.

The placing of wool on the free list will drive the sheepmen out of business, and it is safe to predict that within two years after this bill becomes a law there will not be 500,000 sheep left in the State of California where there is now about 2,500,000.

The California Cap Co., situated at Stege Station, in the city of Richmond, in my district, is very hard hit by the tariff reduction proposed in this bill. That company manufactures blasting caps, and the tariff on them has been cut from $2.25 per 1,000 to $0.70 per 1,000, which means that the company will probably have to go out of business if it stands. There are only three of these companies in the United States. Every blast of powder or dynamite is set off by one of these blasting caps, and it would be a very serious matter for the United States in time of war if it had to depend on foreign importations, as blasting caps are contraband of war.

Placing wood on the free list will not result in materially reducing the price of lumber, but that action must be entirely satisfactory to the Canadian lumbermen.

The Canadian people should congratulate themselves on their foresight in rejecting the reciprocity treaty. The Underwood bill gives them everything the treaty proposed to give them, and more, but does not exact from the Canadians anything in return.

Under this bill the growing of onions, asparagus, and potatoes will no longer be profitable in California.

I have only mentioned a few of the many industries in the State of California that will be made unprofitable by the enactment of the Underwood bill.

California is now one of the best protected and most prosperous States in the Union. Under this bill she will be the State whose agricultural and manufacturing industries are the least protected of any State in the Union. Her manufacturing and agricultural development will cease and her prosperity will be at an end.

The Underwood bill will reduce the revenue of the Government, injure business, put a stop to prosperity, and discourage enterprise, but it will not make it any easier for a man to earn a living for himself and family.

I suppose California ought to be thankful to the framers of this bill for putting teeth on the free list, but whatever gave them the idea that the American people will have any use for teeth, either natural or artificial, after the enactment of this law passes my comprehension, as they certainly will not need them for the purpose of mastication. [Applause on the Republican side.]

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THE IMMIGRATION COMMISSION

AND

THE IMMIGRATION PROBLEM

It has long been our boast that America offers an asylum for the oppressed of all nations, and Liberty Enlightening the World stands beckoning such to our shores. It is time, Mr. President, that this sentiment should be relegated to the limbo of things to be forgotten, and give place to the more practical sentiment that our own must be provided for.

SPEECH

OF

HON. FRANK B. GARY

OF SOUTH CAROLINA

IN THE

SENATE OF THE UNITED STATES

THURSDAY, FEBRUARY 18, 1909

WASHINGTON
1909

73521—8060

SPEECH

OF

HON. FRANK B. GARY.

Mr. GARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. I yield to the Senator from South Carolina, as he has given notice to the Senate that he desires to address the Senate this morning.

THE IMMIGRATION COMMISSION.

Mr. GARY. Mr. President, I ask that Senate resolution No. 279 be now laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from South Carolina, which will be read.

The Secretary read resolution No. 279, submitted by Mr. GARY on the 4th instant, as follows:

Resolved, That the Immigration Commission, created by section 39 of "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, be, and hereby is, directed to report forthwith to the Congress a brief summary of its acts, doings, and present work, together with an itemized statement of its expenditures, giving the amounts, purpose for which spent, to whom and for whom or what paid, and a list of all persons that have been or now are employed by the commission, directly or indirectly, their residence at time of appointment, the length of service, salary paid, and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time it will take the commission to complete its labors and make its recommendations and final report.

Mr. GARY. Mr. President, in view of the short time remaining of this session, and the large number of appropriation bills yet to be acted upon, I am not unmindful that the time of this body is precious. I would be loath to consume any part of it, but, for reasons that must be manifest, I must speak now or not at all. Besides, Mr. President, there is no problem of more vital interest to the American people, or one more urgently calling for solution, than the problem of immigration. The subject embraces not only the constant importation of hordes of illiterate, unassimilable, and undesirable citizens from the cesspools of Europe, but it embraces the invasion of the Pacific slope by the yellow man from the Orient as well. Whatever may be the feelings excited in us when we consider the two classes, whether they be feelings of admiration or disgust and loathing, still the ultimate effect upon the peace, morality, and homogeneity of our race will be the same from each class if the importation is unchecked. He must, indeed, be an optimist with childlike faith who can contemplate the situation without concern for the future of our country, now menaced on both the Atlantic and Pacific coasts.

The problem is one which, like Banquo's ghost, will not down, no matter how much we may desire to repress or shun it. But it should be approached with the calmest judgment, the highest patriotism, and the most enlightened statesmanship; and, as the Senator from Nevada well says, "No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy."

It will be recalled that the Congress of the United States, on account of a disagreement between the two Houses on the enactment of an immigration restriction bill that would tend to solve the problem, inserted a provision in the immigration act, for the appointment of a commission of nine, composed of three Senators, three Representatives, and three laymen, to be appointed by the President, for the purpose of making an investigation, in the United States and abroad, of the subject of immigration with a view of determining what the conditions are and with a view of determining what legislation should be enacted. This commission was appointed two years ago. The provision which created the board required that a report should be made to Congress. It will be recalled, too, that this commission is practically unlimited as to the amount it may spend, and is unlimited as to the number of persons it may employ in its service. Whether or not the provision creating this immigration commission was enacted for the purpose of sidetracking and preventing needed legislation, as some have asserted, is not for me to say. Such a suggestion would serve no good purpose at this time. It is proper to say, however, that from a commission so constituted and so unhampered, the American people had a right to expect, before now, some light and some suggestion as a basis for legislation against the evil conditions that surround us, and which each day multiply. The books of the auditor and vouchers show that this commission has already expended upward of $358,000, and the end is not yet.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. GARY. I do.

Mr. FLINT. I should like to ask the Senator a question just at that point. Does the Senator know what salaries are being paid to these commissioners?

Mr. GARY. I was coming to that. I know the salaries of some of them. There is a professor in one of the colleges who, as one of the commission, if I am reliably informed, gets a salary of $7,500 a year and two hundred or three hundred dollars a month expenses. There is among the employees a secret-service man, as I understand, who has been at work in the southern part of California and on the Mexican border. His salary would amount to seven or eight thousand dollars a year, as he drew over a thousand dollars for the month of March, 1908. I presume he gets about that amount monthly. As to the salaries of the others, I am not informed.

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. Mr. President, I think it is only fair to the appointing power that a statement should be made as to

the salaries of the commissioners. The Senator from South Carolina is aware that there are three Senators upon this commission and three Members of the House of Representatives, who receive no salary whatever, and that every member of that commission is giving a very large amount of work to the purposes of the commission.

Under the act the President appointed three commissioners—Professor Jenks, of Cornell University; Mr. William R. Wheeler, of California; and Doctor Neill, the Commissioner of Labor. The President fixed their salaries at the sum received by Members of Congress—that is, $7,500 a year. Professor Jenks is receiving that salary and giving substantially all of his time to the work.

Mr. Wheeler is the Assistant Commissioner of Commerce and Labor, receiving a salary of $5,000 a year from that source, and he receives the balance of $2,500 under this act. I can say the same as to Doctor Neill, who is the Commissioner of Labor.

Mr. BAILEY. I want to say that there never was an hour when this man Neill could earn one-third of $7,500 a year outside of the government service.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from California?

Mr. GARY. Certainly.

Mr. FLINT. I simply want to ask the Senator from Vermont [Mr. DILLINGHAM] another question before he takes his seat, in reference to whether these commissioners are devoting their entire time to this work and receiving a salary of $7,500 a year?

Mr. DILLINGHAM. Mr. President, I understand that Professor Jenks is giving substantially all of his time to the work. As to the other two commissioners, they are engaged in the work I have already indicated, in the positions which I have named, and the salaries received there are deducted from the salaries fixed by the President for their services as members of the commission.

Mr. NEWLANDS. Mr. President——

Mr. FLINT. In other words, Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. GARY. Certainly.

Mr. NEWLANDS. I understood the Senator from South Carolina to state that the total expenses thus far had been about $350,000.

Mr. GARY. Three hundred and fifty-eight thousand dollars.

Mr. NEWLANDS. They have been $358,000. The Senator from Vermont [Mr. DILLINGHAM] has stated that the salaries in the aggregate amount to about $22,500 a year—three salaries of $7,500 each.

Mr. BACON. Not that much, for the salaries received from other sources are deducted.

Mr. NEWLANDS. Yes; as the Senator from Georgia well says, the salaries received from other sources by the Assistant Secretary of Commerce and Labor and the Chief of the Bureau of Labor, I believe it is, must be deducted, amounting to about $10,000, so that the total amount paid for salaries out of this

appropriation is $12,500 per annum. I inquire of the Senator what the remainder of this large sum of $358,000 is made up of?

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. If I may be allowed to make a suggestion at this point, it may save time. Of course, I had no intimation what was to be said by the Senator from South Carolina or what direction this debate would take. I have not, of course, with me this morning the papers and data with which to answer all these questions. Had I known the discussion was to take this trend, I would have had them. I do not run away from any inquiry. I do not run away from any debate on this subject. I heartily favor the resolution or a substitute which will make it even better than it is, which I understand the Senator from South Carolina desires to offer; and I would be very glad this morning if the Senator could be allowed to make his speech. I will favor his resolution, and I will see that the commission sends to the Senate the fullest kind of a report upon every subject covered by it.

Mr. BACON. I desire to ask the Senator from South Carolina, with his permission, by whom were the appointments to be made?

Mr. GARY. By the commission, I assume. That is the information we want to secure by this resolution.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. GARY. Certainly.

Mr. MONEY. The Senator said, or I thought he said, that the President had fixed the salary of the men appointed at $7,500 a year. Was that authority given him by the act?

Mr. GARY. The appointment of the citizen members of the Immigration Commission is an absolutely distinct, separate, and independent matter from the special commission appointed February 24, 1906, and about the legal creation of this latter special commission I do not know. I was merely bringing it up to show that the employment of Michael Clayton, who was paid at the rate of $7,000 or $8,000 a year, was simply a duplication of work.

Mr. MONEY. Is the Senator able to tell me by what authority the President of the United States fixes the pay of anybody whom he appoints?

Mr. GARY. As I said, I do not know what legislative authority the President had for appointing the special commission which he appointed on February 24, 1906. The immigration act of February 20, 1907, gave him authority to appoint three citizen members of the immigration commission created thereby, and to fix the salaries of these three.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from South Carolina yield to the senior Senator from South Carolina?

Mr. GARY. Certainly.

Mr. TILLMAN. Has the Senator discovered that this man Clayton has given any new information, or is he merely traveling over the same old route and repeating practically the same information that the other officers have already given?

Mr. GARY. That is the point I was making, that he is simply duplicating the work that has recently been done by a special commission appointed by the President and by Commissioner Braun, who had done it officially and filed his report with the Department of Commerce and Labor, and a part of whose report is to be found in the annual report of the Commissioner-General for 1907.

Mr. BACON. If the Senator from South Carolina will permit me, I should like to ask the Senator form Vermont a question.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. GARY. Certainly.

Mr. BACON. The Senator from Vermont stated that the three commissioners, outside of the Members of the Senate and House serving on the commission, had had their pay fixed by the President. I understood him to say that.

Mr. DILLINGHAM. By the President.

Mr. BACON. Does the act authorize that?

Mr. DILLINGHAM. I do not remember whether there is a special provision in the act for that; but my impression is that such a provision was inserted.

Mr. BACON. I hope the Senator will look at the act and inform us, because, while it is true that we are to have the report subsequently, when this matter passes from our attention we do not have time to look up these reports, and I should like to know, while this debate is going on, whether or not the act does authorize this, or whether the President has done it voluntarily?

Mr. DILLINGHAM. I will procure a copy of the act and look that up.

Mr. GARY. Mr. President, to proceed at the point where I left off when interrupted.

On the pay roll there is one man whose salary is $7,500 per annum in addition to his expenses, which amount to about $200 per month. I am reliably informed that this man has not lost a day from his regular work as professor since his employment by the commission. He is ready to report as to his work, yet his salary continues. Another expensive employee of the Immigration Commission is Michael Clayton. According to the CONGRESSIONAL RECORD, under date of January 26, ultimo, page 1462, this secret-service man has been looking into the smuggling of Japanese and Chinese coolies over the Mexican border, a matter fully investigated by a special commission, composed of R. M. Easley, J. W. Jenks, and J. B. Reynolds, appointed by the President February 24, 1906, whose report is in the hands of the Department of Commerce and Labor, and by such able, fearless investigators as Marcus Braun, whose findings of enormous smuggling were published in part by the Commissioner-General in his annual report for 1907. Clayton's total salary and allowances for the month of March, 1908, were $1,025, made up of $20 per diem compensation, $8 per diem hotel allowance, and over $5 per diem traveling expenses.

There are many and apparently well-founded complaints as to the lax enforcement of such restriction laws as we now have which are intended to prohibit the importation of undesirable aliens. There are complaints that the existing laws are inade-

quate; yet the light so much desired and the suggestions so impatiently awaited, have not been forthcoming. The resolution we are considering seeks to bring forth at an early day a report from this commission.

That the existing conditions are viewed with alarm by thoughtful men, men who have the welfare of our country at heart, must be obvious to all. The action of state legislatures, immigration conferences, national and state farmers' unions, patriotic societies, commercial clubs, newspapers, and all other organizations, societies, and representatives of public opinion, show most conclusively that the subject is a live one and one demanding attention. Certainly the agricultural elements of the South and West are alive to the situation and are calling in no uncertain tones that something be done to check the influx. Listen to the demand, if you please, of the representatives of two millions of farmers assembled in national convention:

Resolved, That the Farmers' Educational and Cooperative Union of America, in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing two millions of farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx, by means of an increased head tax, a money requirement, the illiteracy test, and other measures; and that we call upon our public and especially our state officials, to prevent the agricultural sections from becoming a dumping ground for foreign immigration.

Of the same tenor are the resolutions passed in June, 1907, by the last National Council Junior Order United American Mechanics, representing thousands of patriotic workingmen.

To the same effect and equally as strong are the resolutions passed by the American Federation of Labor at its last annual convention at Denver, Colo., November 14, 1908.

Equally emphatic are the resolutions passed by the General Assembly of the Knights of Labor at Washington, D. C., November, 1908.

From another source, but quite as significant, are the resolutions of the legislature of the State of Virginia passed last winter unanimously by both houses:

Resolved by the senate of Virginia (the house of delegates concurring), That our Representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black Hand murder societies, and with no characteristics to make them with us a homogeneous people, believing as we do that upon Anglo-Saxon supremacy depends the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

I might also cite the message of President Roosevelt to Congress in December, 1905, a short time before this commission was created, in which he says:

The question of immigration is of vital interest to this country. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants. Moreover, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activities of agents of transportation companies. These agents are distributed throughout Europe, and by offer of all kinds of inducements they wheedle and cajole many immigrants, often against their own interests, to come here. The most serious obstacle we have to encounter in the effort to secure proper regulation of immigration to these shores, arises from the detrimental opposition of foreign steamship lines, who have no interest whatever in the matter, save to increase the returns on their capital by carrying masses of immigration hither in the steerage of their ships.

As bearing out the statement of the President, as to the agencies responsible for the existing conditions, we might mention an extract from the report of the commissioner-general for 1907, where he says:

> Another year's experience but emphasizes and confirms the conviction that a considerable part of the large immigration of the past few years is forced or artificial. Two separate and distinct factors are from interested motives responsible for such of the immigration as is not natural; first, the violators and evaders of the contract labor feature of the law; and, second, the steamship runners and agencies.

And speaking of the influence toward immigration of letters from previous immigrants in this country he says:

> The worst of it is that there are evidences that this endless chain-letter scheme is seized upon by the promoters and money lenders to further their interests, and no opportunity lost to encourage both the writing and extensive dissemination of such missives. When this is done the line is passed between natural and forced immigration, and the machinations of the promoter and usurer become a menace to the aliens directly, and to the welfare of this country incidentally.

This steamship activity, of course, has been made possible by the changed character of steamship construction, the recent building of fleet steel ocean liners, and has brought about, owing to our feeble laws and their lax administration, a startling change in the character of our immigration. One of the most noticeable effects has been the shifting of its source from the kindred peoples of northwest Europe to the alien brownish races of southeast Europe. That the profit-making choice by these foreign steamship lines and the connivance of certain European governments are not giving us the best, even of these peoples, but much of their poorest, are matters of repeated official record. Our inspector, Marcus Braun, a foreigner by birth and a resident of New York City by choice, who was sent abroad on a tour of inspection several years ago, made the astonishing discovery of documentary evidence that the Hungarian Government had actually made a contract with the Cunard Steamship Line to deliver for transportation to this country a minimum of 30,000 Hungarians annually. The Austrian officials, of course, were soon ready with plausible explanations, but Mr. Braun's report clearly demonstrates that that Government was not engaged in any philanthropic or altruistic enterprise.

It was a plain bargain to dump upon our shores at least 30,000 of her worst, most degraded slum population, if not her criminal and social outlaws and outcasts. It is a series of facts of this character which leads Mr. Braun to conclude that some European governments, as well as private individuals and interested societies, still regard the United States as a dumping ground for thousands of their most undesirable persons. A knowledge of the actual conditions, he concludes, would drive the blood of humiliation to the face of every good American, whether native or naturalized, and a description of them would defy the pen of a Macaulay. That these scandalous conditions still exist is evidenced by the more recent report of Dr. Maurice Fishberg; by the letters of Mr. Herbert F. Sherwood, correspondent of the Liberal Immigration League, a propagandist organization, who was with the commission on its European junket two years ago this coming summer; and by the still more recent official report of Special Inspector John Greenberg, who visited Europe last summer, and whose report is now in the hands of the Department of Commerce and Labor.

It is unlikely, Mr. President, that these foreign corporations will at any time in the near future be brought to a realization of the enormity of their sins or of the great injustice their greed is doing the American people, for—

> If self the wavering balance shake,
> 'Tis rarely right adjusted.

We must, therefore, expect a continuation of this conduct on the part of steamship companies and look upon the past as but a harbinger of what may be expected in the future, unless the Congress of the United States shall call a halt and shall by drastic legislation put a stop to this traffic in human flesh. If further evidence is needed to show that the question is a live one, we might point to the threatened legislation of California—legislation the enactment of which could be prevented only by the powerful influence of the President—and to the legislation enacted in Nevada, which even the power of the President could not prevent.

But, Mr. President, we must speak of the yellow man with bated breath. We may scarcely think strongly about him without the suggestion that some treaty right has been infringed, and the resultant need of four battle ships is proclaimed. But we may as well face the situation now, unpleasant though it be. The history of the world does not record an instance where two races have at one and the same time occupied the same territory upon terms of equality. One must be subservient to the other or they must assimilate. Where two races are trying to occupy the same territory, one of three conditions must be brought about inevitably—either amalgamation, extermination, or subordination of one to the other. Who knows anything of the Japanese character knows that he will not stand for either amalgamation or extermination nor for subordination longer than the conditions make it necessary. It seems to me, therefore, that before the situation has attained unmanageable proportions, or before it shall have become acute, it would be the part of wisdom for Congress to enact and enforce such prohibitive laws as will stop the incoming tide from the Orient. But I will not pursue this branch of the subject further, except to say that sooner or later we must meet the situation, and the sooner it is met and some adjustment made the better it will be for all parties concerned. If the assertion of supposed rights by the Japanese is vexatious now, what is to make it less annoying in the future?

The other branch of the subject, viz, the flooding of the East and Middle West by an ever-increasing stream of illiterate Hungarians, Poles, Greeks, Turks, Syrians, Arabs, and South Russians, is still more dangerous because more insidious. As the Manufacturer's Record says in an editorial:

> This mongrelism, congesting the great cities of the East, is a far greater menace to American labor, American institutions, and American life than the comparatively pure stock of the Japanese and Chinese of the West.

Who, Mr. President, can contemplate the situation without feelings of loathing and abhorrence for the miserable creatures and apprehension for the effect upon our Anglo-Saxon civilization and democratic institutions? I can not give you a better picture of that situation than by quoting from Dr. Francis A. Walker, who, writing ten years ago, said:

> The immigrant of the former time came almost exclusively from western or northern Europe. We have now tapped great reservoirs of

population then almost unknown to the passenger lists of our arriving vessels. Only a short time ago the immigrant from southern Italy, Hungary, Austria, and Russia together made up hardly more than 1 per cent of our immigration. To-day the proportion has risen to something like 40 per cent, and threatens soon to become 50 to 60 per cent, or even more. The entrance into our political, social, and industrial life of such vast masses of peasantry, degraded below our utmost conceptions, is a matter which no intelligent patriot can look upon without the gravest apprehension and alarm. These people have no history behind them which is of a nature to give encouragement. They have none of the inherited instincts and tendencies which made it comparatively easy to deal with the immigration of the olden time. They are beaten men of beaten races, representing the worst failures in the struggle for existence. Centuries are against them as centuries were on the side of those who formerly came to us. They have none of the ideas and aptitudes which fit men to take up readily and easily the problem of self-care and self-government, such as belong to those who are descended from the tribes that met under the oak trees of old Germany to make laws and choose chieftains.

In this connection I would ask your especial attention to a statement made by Gen. Theodore A. Bingham, police commissioner of New York City, published in the Cincinnati Inquirer June 20, 1907, couched in modest and discreet language, yet reciting a condition that ought to arrest our attention:

There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a great deal to do with crimes against women and children.

You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs, can not speak the English language, and are in general the scum of Europe.

Was it for the like of these, Mr. President, that our forefathers braved the hardships and dangers of the wilderness and wrested this land from the savage red man? Was it for the like of these that, later, our sires defied the arrogance of tyrants, that Anglo-Saxon and democratic government might be planted and fostered here? Was it for the South Russian—

dull and apathetic, brutalized by long centuries of ignorance, privation, and tyranny; for the Greek, more debased than the Russian, because of his greater intelligence for evil, unscrupulous, quick with the tongue and also not slow with the knife that strikes from behind and in the dark; for the peasants from the Balkans, equally immoral and degraded, but less stolid than the Russian; for the chafferer, fawning and cringing, schooled to duplicity and assassination through long centuries beneath the Turkish lash; for the Hun, turbulent, savage, still half a barbarian; for the Italian, more especially him of Sicily, in picturesque rages, stiletto in his boot, murder in his heart, too often a black heart, bound either as an accomplice, or as a prey to his own black hand?

If it was for these and the like of them that our forefathers fought, bled, and died, then it were better, far better, that America had been left as a happy hunting ground for the red man, better that Boston commons had never resounded with the cry of the patriot, better that Kings Mountain had never been fought.

O, not yet mayst thou
Unbrace thy corslet, nor lay
By thy sword; nor yet, O,
Freedom, close thy lids in
Slumber, for thine enemy
Never sleeps, and thou
Must watch and combat
Till the day of the new
Earth and Heaven.

But let us look a little further and see what manner of people the steamships are dumping down upon us, and simply because so much per head goes into the company's treasury. For the fiscal year ending June 30, 1907, 1,285,349 aliens were admitted to the United States. This was an increase of over 11 per cent of the previous year (1,100,735), which was also preceded by a banner year.

It is true that for the past fiscal year, ending June 30 last, immigration decreased to 782,870 plus 141,825 "nonimmigrant" aliens. Of this number, only 63,128 had ever been in the United States before. This would leave a new net alien addition to our population of at least 708,840 foreigners for 1908, and it is the assimilation and Americanization of these vast hordes, ever increasing in larger and larger influxes with the return of prosperous times, that constitutes our immigration problem.

About 80 per cent of the present immigration comes from extremely southern and eastern Europe and western Asia, whereas a quarter of a century ago we received practically no emigrants from these sections. This immigration is composed of Slav and Iberic or Mediterranean races, far less capable of amalgamation and absorption than the kindred peoples of northwest Europe which used to come to us and made such good frontiersmen. As a matter of fact, it is the coming and competition of these aliens, with their low standards of living, that have caused the decline in the number of assimilative Baltic peoples.

As to the percentage of able-bodied, strong-minded men and women, it is difficult to speak with any statistical accuracy. The present laws are designed somewhat to keep out the weak-minded and weak bodied, but under its present administration most of them either escape detection, owing to the superficial inspection, or are admitted under bond. This is well shown by the fact that at least one insane or weak-minded, newly landed immigrant is picked up in two boroughs of New York City every day, and also the fact that the States of Massachusetts and New York deliver every day into the hands of immigration authorities from three to four immigrants for deportation, who have become public charges, generally within two or three months after landing. I would call attention to the last report of Theodore Bingham, police commissioner of New York, as showing the insufficiency of our present laws or their lax enforcement when it comes to dealing with the criminal immigrant:

> We are trying to handle medieval criminals, men in whose blood runs the spirit of the vendetta, by modern Anglo-Saxon procedure. It is wrong to allow these people to slip into this country. But besides allowing this we give them, once in, every chance to work their blackmail without getting caught. Against this sort of crime our laws are weak. Either they must be kept out, or else a system of procedure must be devised which is potent and immediate enough to handle that sort of crime.
>
> The case of an alien who was arrested on November 27, 1908, will illustrate something of the difficulty the police department works under in trying to keep the city clear of alien criminals.
>
> On November 17, 1908, a warrant was requested for the arrest for deportation of an Italian from Naples. On November 20, 1908, the warrant was issued. On November 27, 1908, the man was arrested and delivered to Ellis Island.
>
> The penal certificate of the man stated that he had been sentenced to eight days' solitary confinement in March, 1908, by the judge of the

tribunal of Naples. Besides this, a letter from the Minister of the Interior of Italy stated that this man had committed a brutal murder in Naples, that he attempted to kill his own wife, that he had attempted to kill another man, and that while in the employ of the post-office department he had robbed the mail. The letter went on to say, that on July 10, 1908, this alien was sentenced in his absence, by the court of assize, Naples, Italy, to life imprisonment. All this information was given to the United States authorities.

On December 15, 1908, this alien was discharged from Ellis Island and is now at large in New York City.

The case of another man shows how the United States seems to insist on keeping these blackmailers here.

A man who is at present confined in New York State prison, serving a sentence of two and one-half years for attempted extortion, was arrested in Italy twenty-seven times and convicted twenty-five times. When he was sentenced to State's prison here he had been in this country less than three years. The police department tried to get a warrant for his arrest so he could be deported. The warrant was refused on the ground that the man had, by serving three years in prison, been here more than three years."

Shall we permit a condition so revolting to continue? We look to the commission to tell us how to stop it.

As to the character of the present immigration, I think the opinion of such a man as Hon. William Williams, a recent commissioner of immigration at the port of New York, through which comes the bulk of the influx, is the most reliable information that can be obtained. In his annual report (1903) he said:

> The present laws do not reach a large body of immigrants who are generally undesirable, because unintelligent, of low vitality, poor physique, able to perform only the cheapest kind of labor, desirous of settling almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted either mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classified as undesirable. I believe that at least 200,000 came here (631,885 entered through Ellis Island), who, although they may be able to earn a living, yet are not wanted and will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them over.

As to the number of children, middle-aged, and aged people, about 5 per cent are under the age of 14 years of age, many of whom are still brought in by Greek padrones to work in bootblacking and other similar establishments, where the worst kind of child labor prevails; 85 per cent are between the ages of 14 and 44 years of age. About one-fourth are females and three-fourths males. From one-fourth to one-third of the adults can not read or write a single line in any language or dialect, not even their own.

But, to return to the question of the congestion of the present immigration in our large cities, let me call your attention to what the Commissioner of Labor says in his seventh annual report, where he points out that of the slum population of Baltimore 77 per cent are foreigners, of Chicago 90 per cent, of Philadelphia 91 per cent, and of New York City 95 per cent, and that southeast Europe furnishes from twenty to seventy-one times as many as does northwest Europe to these congested districts, where they are such a fertile field for the irresponsible agitator and corrupt boss.

A year or two ago Mayor McClellan directed Doctor Darlington, president of the New York City Board of Health, to make a special investigation of the push-cart nuisance. At the conclu-

sion of his investigation Doctor Darlington reported, among other things:

> I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, to dig canals, and the like. But the present immigrants now coming over do not come for that purpose and will not do that sort of work. No, they prefer to become push-cart peddlers and to live in our cities in poverty, breeding crime and disease. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided are necessary for the preservation of public health.

Now, it is proposed by certain interests to distribute this slum population over the South and West in order to make room for more of the same kind, and one even finds such a paper as the Jacksonville (Florida) Metropolis publishing matter sent out by the railroads under the caption of immigration labor for the South.

The Manufacturers' Record tells us that Congress is likely to be asked to set aside a fund for transporting laborers from one place to another and to be thus used on a loan basis, and the reason for this fund is given as follows:

> For lack of funds for transportation thousands of aliens living in large cities and who appeal for work are deprived of obtaining remunerative employment. From all parts of the country the cry comes for efficient help, but the laborer in many instances is unable to go because he has not the means to pay his railroad fare. This is the situation confronting the Department of Commerce and Labor, who are trying to promote a beneficial distribution of aliens among the States and Territories desiring laborers.

The editor commenting on this plan, which is nothing more than a plan to relieve congestion in the principal cities and a plan to make more room in which to dump still more immigrants, pertinently says:

It must be confessed that these southern immigration schemes and other sociological, educational, and economic movements engineered from New York disregard the fact of the South's forty years' fight for the maintenance of white civilization. It must be confessed that if the diverse schemes succeed white civilization must pass from a portion of the South. What care the schemers for that, and what care they for the disinterested warnings as long as the public mind of the South can be diverted from the fundamental questions?

I take occasion to say just here, lest I be misunderstood, that I, in common with many other Southerners, would welcome to our midst homeseekers, whether they be of foreign or native birth, who from choice have embraced our form of government and wish to be part and parcel of us, and will work with us to build up the waste places and contribute to a free and stable government. But, Mr. President, it is better that our uncultivated lands should forever lie fallow, and our water power go unharnessed to the sea, than that we should be overrun by a lot of aliens from southern Europe, who have been brought here through the cupidity of steamship companies, and who have not left behind them and do not intend to forsake their Black Hand and Mafia methods, and who contribute nothing worth having to the common good. Much is being said about the development of the South's resources in connection with the alien-labor agitation. For myself, I have but little patience with such agitation. I do not see the necessity for all this hot haste to use up the

country's treasure, and at the same time make such an outcry for the conservation of our natural resources. Our forests are almost gone and our public domain is exhausted. The South has prospered marvelously and bids fair to make even more rapid strides. This has been accomplished without the aid of such immigration as that which now comes to our principal ports. Without them our white civilization has been maintained, and I, for one, am willing to deal with the future without their aid.

Statistics are always tiresome and dull reading, but at the risk of being tiresome and prolix I must quote a few figures for our information. As to the statistics on crime, pauperism, and insanity according to the census of 1890 (part 2, pages 169, 174, 182), comparing an equal number of foreign element and the native element, we find that the foreigners furnished one and one-half times as many criminals and two and one-third times as many insane, and three times as many paupers. When it comes to the children of native-born parentage and foreign-born parentage, those of foreign parentage are found to be three times as criminal as those of the native parentage.

According to the annual report of the Commissioner-General of Immigration for 1904, the foreign born in all the public institutions of the United States constitute 28 per cent, whereas there were but about 10,000,000 foreign-born persons out of a population of 80,000,000 of people. His report also shows that there were 44,985 alien inmates of penal, reformatory, and charitable institutions in the United States, 64 per cent of whom were Slavic, Iberic, or Mediterranean races, and that out of the 800 confined for murder 253 were Italians, and of 373 confined for attempt of murder 139 were Italians. According to the last annual report of the commissioner-general the number of aliens confined in our penal, insane, and charitable institutions has increased during the past four years from 44,985 to 60,501, an increase of 15,516, or about 34 per cent.

In New York State, which has a population one-fourth foreign and three-fourths native, from one-half to three-fourths of the inmates of public state institutions are foreigners, who cost that State over $10,000,000 annually—a very fitting sacrifice to those foreign gods of transportation. But more important are facts from an official report like that of Chief Magistrate Wahle's concerning the criminal prosecutions in the city of New York for 1905. He says that there was an increase for the year of 18,388 arraignments (25 per cent), and that all of this increase were southeast Europeans.

We have undertaken to show that the question of immigration is a vital pressing question and that we must face it. We have undertaken to show that on account of the greed of the steamship companies and other subagencies throughout Europe the greater percentage of the immigrants coming to our shores is of persons steeped in degradation and in the lowest intellectual and physical class. What will be the effect of this admixture of the lowest types of humanity with the Anglo-Saxon race is a question that ought to concern all who are proud of our Anglo-Saxon lineage and of our achievements in the past. That our type of national character is in serious danger from the interbreeding of native and alien stocks in the country has been affirmed on numerous occasions and by those whose opinions we

should heed. A recent study by Alfred P. Schultz, just published, called "Race or Mongrels," clearly points this out. In this book Mr. Schultz shows that all the great races of history, such as the Chaldeans, Assyrians, Medes, Persians, Phoenicians, Hindoos, Egyptians, Greeks, and Romans were great only so long as, like the Jews, they kept their race free from mixture with alien types. In opposing the views of the superficial optimists, who claim that all sorts and conditions of races can be somehow welded together to produce a new and wonderful breed, Mr. Schultz relies upon the recent discoveries in biology, tending to show the paramount importance of heredity. He says:

> As well expect to produce a more perfect dog by breeding together at random a dozen different kinds. It is no less rational to expect to make mongrels into refined dogs by teaching them tricks than to imagine that a few years of schooling, flag exercises, and civic instructions will make the deteriorated half-breed of Southern Europe into desirable American citizens. The ideas, ideals, and institutions of a nation change with its racial composition. Crossing must cease or America will develop into another Imperial Rome.

Recently a Canadian editor, after acknowledging the many virtues of the New Englander, stated with some condescension:

> You are becoming a race of mongrels. For years you have admitted, without let or hindrance, the scum of Europe to your citizenship, and you are now beginning to reap the consequences. That is why your politics are so corrupt, your trusts so tyrannical, your public sentiment so unorganized and feeble, your Anglo-Saxon and Teutonic traditions of conservatism and civic and financial morality so nearly extinct. "Canada, not the United States," he concluded with sublime faith, "is destined to be the new world Anglo-Saxon nationality of the future."

I might add in passing that it is significant that Pan, who was the son of everybody, was the ugliest of the Gods.

Recently, as pointed out by the Canadian editor, a decided change has taken place in the character of our population in certain localities. The early Anglo-Saxon and Teutonic people who gave us our principles of liberty, our democratic institutions, and, in fact, our very civilization itself, have been overcome. Chicago has become one of the largest Polish cities in the world, New York one of the largest Italian cities, and Boston one of the largest Slav-Iberic cities. It is in these large northern cities, with their vast majority of persons of foreign extraction, that is, foreign birth or foreign parentage, that aggressive rottenness and dishonesty in municipal affairs is attracting public opinion and condemnation. It is in these large foreign cities of the North that popular government, as our Teutonic and Anglo-Saxon forefathers conceived it, has been displaced by the despotic boss; and a profound distrust of democracy has taken hold upon the educated and property holding classes, who fashion public opinion. Of late attempts have been made in a number of these cities, with their vast foreign population, to limit materially local self-government. A little over a year ago there was created in Boston a finance commission, composed of the very best citizens, for the purpose of investigating and reporting on the existing intolerable municipal conditions. The report of that commission has just been made and deals exhaustively with the situation. Among other things, the commission says:

> The present electoral machinery is wholly unsuited for the requirements of successful municipal government through popular suffrage;

and recommends to the legislature the passage of a bill which will completely change the present form of city government, and divide the responsibility between the people of Boston and the legislature. This, mind you, was the once refined and cultured Boston, the Arcady of America; Boston, that has now become so infested with aliens, thought to be incapable of self-government, that it is asked that the municipal government be divided between the people of Boston and the legislature of Massachusetts. It is not surprising that schemes are being devised and ways and means provided whereby this congested mass of humanity may be pushed on to the South and West. It is history repeating itself. But if you will insist on permitting these steamship companies to bring such people to your ports for the sake of the revenue that is in the traffic, then we say keep them, even if the dose does choke you. Do not push them off on us. We will get on without them. This admonition is unnecessary, however, for the reason that the immigrant that is now being admitted can not be induced, cajoled, or even forced to leave the large cities.

In the light of what has just been related, may we not exclaim with Associate Justice Brewer:

> May not the original Anglo-Saxon stock be submerged? Will republican institutions stand the continuous influx of people who know nothing of self-control and who look upon all government as an enemy? We have boasted that our liberty was a liberty of law, and left no room for revolution or riot, but certain occurrences in Colorado and elsewhere have shown that this is not always true. May not the forces against law become strong enough to break it down? Is not the Anglo-Saxon principle of liberty worth preserving, even if it should be necessary to restrict or put a stop to immigration? It is a question, at any rate, that should not be settled by sentiment, nor will it do to say that we have done well enough in the past and are likely to do as well in the future.

Much to the point is the extract from the American Commonwealth by Hon. James Bryce, author, volume 2, pages 862 and 863:

> Within the past decade new swarms of immigrants have invaded America, drawn from their homes in the eastern part of Europe by the constant cheapening of ocean transit, and by that more thorough drainage, so to speak, of the inland regions of Europe, which is due to the extension of railroads. These immigrants, largely of Slavonic race, come from a lower stratum of civilization than the German immigrant of the past, and since they speak foreign tongues are less quickly amenable to American influences and probably altogether less improvable than are the Irish. There seems to be a danger that if they continue to come in large numbers they may retain their own low standard of decency and comfort and menace the continuance among the working classes generally of that higher standard which has hitherto prevailed in all but a few spots in this country.

Certainly, Mr. President, a too rapid filling up of our country with foreign elements is sure to be at the expense of national character and Anglo-Saxon homogeneity, when such elements belong to the lowest classes in their own respective homes.

I have quoted frequently and at length from men who have been in a position to see the situation and have studied it and have suggested remedies.

Certainly, Mr. President, the country awaits the report of the commission that it may insist on legislation that will check this menace to our civilization; a menace that is obvious to all, except the steamship companies and the commission. Will the commission give us its report, or will it continue to pay high-priced professors and say nothing?

Mr. President, what will be the outcome of our unhappy condition only God in his infinite wisdom may know. But, sir, we should be warned by the teachings of history. We are told that fifteen hundred years ago Theodosius the Great induced large colonies to migrate from the countries from which a large portion of our immigration is now coming into the Roman Empire. They did not assimilate with the inhabitants of the empire. Patriotism decayed. The national spirit became extinct. The immigrants became a peril, and finally caused the downfall of the empire. Let us heed the lesson.

It has long been our boast that America offers an asylum for the oppressed of all nations, and Liberty Enlightening the World stands beckoning such to our shores. It is time, Mr. President, that this sentiment should be relegated to the limbo of things to be forgotten and give place to the more practical sentiment that our own must be provided for. How long, Mr. President, at the present rate, before the conditions here will be similar to what they are now in southeastern Europe? If we believe the evidence, the day is not far distant. Our bread lines are each day lengthening, and, if the newspapers are to be believed, the selling of human beings into slavery is a condition and not a theory. Well may we ponder, then, the warning words of Thomas Bailey Aldrich in the beautiful verses entitled "Unguarded Gates:"

Wide open and unguarded stand our gates,
And through them press a wild, a motley throng—
Men from the Volga and the Tartar steppes,
Featureless figures of the Hoang-Ho,
Malayan, Scythian, Teuton, Kelt, and Slav,
Flying the Old World's poverty and scorn;
These bringing with them unknown gods and rites,
Those tiger passions, here to stretch their claws.
In street and alley what strange tongues are these,
Accents of menace alien to our air,
Voices that once the tower of Babel knew!
O, Liberty, White Goddess! is it well
To leave the gate unguarded? On thy breast
Fold Sorrow's children, soothe the hurts of fate,
Lift the downtrodden, but with the hand of steel
Stay those who to thy sacred portals come
To waste the gift of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

Mr. President, I desire to offer what I send to the desk as a substitute for the resolution which is now before the Senate.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from South Carolina offers a substitute for the pending resolution, which will be read.

The Secretary read the substitute, as follows:

Resolved, That the Immigration Commission created by section 39 of an act to regulate the immigration of aliens into the United States, approved February 20, 1907, be, and hereby is, directed to report to the Senate a summary of its doings and present work, together with a statement of its expenditures, the number of its employees, the capacity in which they are employed, the salaries paid and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time which will be required for the commission to complete its labors and make its recommendations and final report.

Mr. DILLINGHAM. Mr. President, as a member of the commission mentioned in the resolution, I want to ask for the adoption of the resolution, that the commission may be able to

lay before the Senate the information requested. I do this because the commission has been engaged in the investigation of every question that has been suggested by the Senator from South Carolina in his admirable address this morning, and is now engaged in the investigation not only of those, but of very many other questions; and I feel that when the work is completed it will be one which the Senate will appreciate as having value—information that is authentic and which has been secured from a scientific standpoint and which will materially aid Congress in legislating along these lines. In order that the Senate may know what the commission is doing, I really hope the resolution will be adopted.

Mr. FRAZIER. I wish to ask the Senator from Vermont a question before he resumes his seat.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Tennessee?

Mr. DILLINGHAM. Certainly.

Mr. FRAZIER. It was stated by the Senator from South Carolina in the course of his address that a certain person was employed in making an investigation along the border between Texas and Mexico, and that that person was receiving a salary of from $7,000 to $8,000 and traveling and other expenses.

I observe from the immigration act, under which the commission has been acting, that the President is authorized to appoint three commissioners and to fix their compensation, but I do not observe that the President is authorized to appoint anyone else. I ask the chairman of the commission who appointed the gentleman referred to and fixed his compensation?

Mr. DILLINGHAM. I have not the papers before me at this time, and I can not speak with certainty. He was employed in connection with work conducted by Professor Jenks.

Mr. BAILEY. Employed on the secret-service force?

Mr. DILLINGHAM. I shall be very glad to make inquiries about that and see that a report is made.

Mr. FRAZIER. I should like to ask the Senator further——

Mr. PENROSE. Mr. President, I call for the regular order. This debate is entirely out of order. I yielded for the Senator from South Carolina, but the post-office appropriation bill is really before the Senate. I must insist on the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania demands the regular order.

Mr. WARREN. As conference reports are always in order, I will ask the Senator from Pennsylvania to yield to me.

Mr. PENROSE. I will yield for that purpose, but after that, in justice to the large number of gentlemen interested in the post-office appropriation bill who are here waiting for its consideration, I must insist that the Senate proceed with it.

Mr. NEWLANDS. I will ask the Senator whether, following the Senator from Wyoming, he will not allow me to proceed for five minutes upon this line of discussion?

Mr. TILLMAN subsequently said: Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. For what purpose?

Mr. TILLMAN. I wish to ask the Senator if he will not consent to have the resolution which my colleague sent to the desk adopted?

Mr. DILLINGHAM. There is no objection whatever to it.
Mr. TILLMAN. There is no objection to it.
Mr. DILLINGHAM. There will be no debate.
Mr. PENROSE. Under the circumstances I yield.
The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Carolina [Mr. GARY].
The resolution was agreed to.

* * * * * * *

Mr. PENROSE. Now, Mr. President, I ask that the Senate proceed with the post-office appropriation bill.
Mr. NEWLANDS. I ask the Senator from Pennsylvania whether he will allow me to proceed for about five minutes upon the question discussed by the Senator from South Carolina [Mr. GARY].
Mr. PENROSE. There is nothing before the Senate on that subject. We have just adopted the resolution.
Mr. NEWLANDS. I understand, but I wish to say a few words upon the subject.
Mr. PENROSE. I yield to the Senator from Nevada for five minutes.

RESTRICTION OF IMMIGRATION.

Mr. NEWLANDS. Mr. President, I am sure we are all of us very much indebted to the Senator from South Carolina [Mr. GARY] for his very able and comprehensive speech regarding the most serious and important national problem of our time, the race question. We have to-day in our midst 10,000,000 of black people, manumitted about forty-five years ago, and suddenly and mistakenly admitted to an equality of political rights with us. We have the problem before us relating to that race, involving the question as to whether these rights, so improvidently granted, should not be either withdrawn or modified, involving the question as to whether the Nation in a cooperative and helpful, and not in an intrusive, way should aid the Southern States in the development of this infant race toward self-control, involving the question as to whether some form of assisted emigration of the blacks from our country should not be evolved that would diminish the existing dangers of race complications.
We have also a duty to perform to 7,000,000 brown people in distant islands, in whose favor we are called upon to discharge a sacred trust leading to ultimate independence.
We have confronting us in Europe 300,000,000 people of the white race, whose surplus population of those countries is eager to come to our shores. We have confronting us in Asia 1,000,000,000 people of the yellow and brown races, multitudes of whom desire to come to this country of unrivaled resources, of high wages, of agreeable climate, and abundant opportunities. We are thus called upon to face the race question in various forms.
My belief with reference to the black race now in our midst is that the time has come for the tolerant consideration of some form of national legislation that will recognize the national character of the problem, and whilst humane to the black race will be cooperative and helpful to the white race in their struggle for race integrity and supremacy.

So far as the immigration of foreign races of whatever color to this country is concerned, my belief is that it is purely a domestic question, to be settled by national legislation and not by diplomacy, and that, without mentioning or referring to any foreign race invidiously, we should declare by law that immigration to this country shall be restricted to the white race alone, except for the purposes of travel, education, and international trade, and that the immigration of the white race to this country shall be restricted to those whose physical constitution, character, and training will fit them ultimately for American citizenship.

This question has become a live question within the last few months by reason of the action of the legislatures of various States in the West, expressive of their realization of the danger of race complication. Upon this subject I have had some correspondence with the governor of my State, and have made a public statement regarding the form which the legislative expression of the States affected should take, and I ask that clippings from the Washington Post containing such matter be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Washington Post, February 5, 1909.]

THE JAPANESE QUESTION.

Letter of Hon. Francis G. Newlands to Governor Dickerson, of Nevada.

UNITED STATES SENATE,
Washington, D. C., February 3, 1909.

Hon. DENVER S. DICKERSON,
Carson City, Nev.

MY DEAR GOVERNOR: With a view to moderating any action tending to create friction between Japan and this country, I take the liberty of suggesting to the legislature, through you, a plan of action which, whilst indicating a proper solicitude for relations of friendship and amity with Japan, will mark clearly our purpose to maintain this country as the home of the white race, free from such racial competition and antagonism on our own soil as will surely breed domestic violence and international hatred.

Entertaining no prejudice against any foreign race, and particularly admiring the vigor, courage, and patriotism of the people of Japan, and disposed to advance rather than to thwart her career of national greatness, we of the West are yet profoundly impressed with the view that the United States, possessing a vast territory as yet undeveloped and capable of supporting many times our present population, with natural resources unrivaled anywhere, with climates adapted to every people, will, with the cheapening of transportation, draw to itself the surplus population of all peoples.

Nature has classified the peoples of the world mainly under three colors—the white, the black, and the brown. Confronting us on the east lies Europe, with a total population of about 300,000,000 white people. We are finding it difficult to assimilate even the immigrants of the white race from that Continent, and have been obliged to carefully restrict such immigration. We have drifted into a condition regarding the black race which constitutes the great problem and peril of the future. Confronting our Pacific coast lies Asia, with nearly a billion people of the brown race, who, if there were no restrictions, would quickly settle upon and take possession of our entire coast and intermountain region. History teaches that it is impossible to make a homogeneous people by the juxtaposition of races differing in color upon the same soil.

Race tolerance, under such conditions, means race amalgamation, and this is undesirable. Race intolerance means, ultimately, race war and mutual destruction, or the reduction of one of the races to servitude. The admission of a race of a different color, in a condition of industrial servitude, is foreign to our institutions, which demand equal rights to all within our jurisdiction. The competition of such a race would

involve industrial disturbance and hostility, requiring the use of a large armed force to maintain peace and order, with the probability that the nation representing the race thus protected would never be satisfied that the means employed were adequate. The presence of the Chinese, who are patient and submissive, would not create as many complications as the presence of the Japanese, whose strong and virile qualities would constitute an additional factor of difficulty. Our friendship, therefore, with Japan, for whose territorial and race integrity the American people have stood in active sympathy in all her struggles, demands that this friendship should not be put to the test by bringing two such powerful races of such differing views and standards into industrial competition upon the same soil.

This can be prevented either by international treaty or by national laws regulating, restricting, or preventing immigration. International negotiation and treaty is, in my judgment, an unsatisfactory method. It requires a nation with which we have treaty relations to prevent its own people from going where they will, a restriction which we would never in any treaty apply to our own people. We would therefore be asking other nations to put a restriction upon the movements of their people which we would refuse to prescribe regarding our own. There is but one consistent position to assume, and that is to relegate the whole question to domestic legislation in each country, permitting each to make such laws regarding the regulation, restriction, or prevention of immigration as it sees fit. The time has come, in my judgment, when the United States, as a matter of self-protection and self-preservation, must declare by statutory enactment that it will not tolerate further race complications. Our country should by law, to take effect after the expiration of existing treaties, prevent the immigration into this country of all peoples other than those of the white race, except under restricted conditions relating to international commerce, travel, and education; and it should start immediately upon the serious consideration of a national policy regarding the people of the black race now within our boundaries which, with a proper regard for humanity, will minimize the danger to our institutions and our civilization.

Japan can not justly take offense at such action. She would be the first to take such action against the white race were it necessary to maintain the integrity of her race and her institutions. She is at liberty to pursue the same course. Such action constitutes no charge of inferiority against the race excluded; it may be a confession of inferiority in ability to cope economically with the excluded race. It involves no insult, or the possibility of war, for Japan could not possibly sustain a war, even were her finances in better condition than they are now, without the sympathy of the world as to the justness of her cause.

I give this utterance reluctantly, for I am not disposed to participate in the prevailing sensationalism; but the issue has been made; the public attention is called to the question; and failure upon the part of our western communities to meet it candidly and courageously might be regarded in the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, to believe that we have abandoned our convictions and acquiesce in the view that a great question of national and domestic policy shall be turned over to the bargaining of diplomats. I am opposed to sporadic legislation, here and there, by the various States, intended to meet only certain phases of what constitutes a national peril, phases which will necessarily be covered by broad national legislation. I am opposed to terms of opprobrium and of insult. Japan deserves from us only respect and admiration; we deserve from her a proper regard for the integrity of our race and institutions. A temperate declaration made at this time by the legislatures of the Western States upon the lines here indicated will aid much to advance the enlightened, calm, and forceful presentation of this question in such a manner as shall convince the judgment of the world, including that of Japan herself. Thus, upon the expiration of the present treaty with Japan and without attendant attacks upon Japanese sensibilities, public opinion will be so shaped as to force a calm and rational solution of the question by purely domestic and national legislation.

Very sincerely, yours,

FRANCIS G. NEWLANDS.

[From Washington Post, February 8, 1909.]

RACE SOLUTION IN LAW—SENATOR NEWLANDS URGES BROAD NATIONAL LEGISLATION—NOT MATTER FOR DIPLOMACY—NEVADA SENATOR SUGGESTS RESOLUTION.

Senator NEWLANDS, of Nevada, in a statement given out last night, asserted that there should be broad national legislation covering the whole Japanese question.

"The legislation proposed by the Pacific coast States intended to meet certain phases of what constitutes a national peril has been opposed by the President as involving violation of our treaty with Japan and imperiling her friendship," said Senator NEWLANDS.

"While the Western States will in all probability patriotically yield to such suggestion, there is danger that the abandonment of such legislation may be misunderstood by the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, and that they may think that we acquiesce in the view that a great question of national and domestic policy should be turned over to the negotiation of diplomats. No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy.

URGES BROAD LEGISLATION.

"There should be broad national legislation covering the whole question, and thus necessarily covering the parts of the question which state legislation in the West seeks to cover."

Continuing, the Senator stated that the Nevada legislature should, in his judgment, as a substitute for all pending measures, adopt resolutions making the following declarations:

"That the race question is now the most important question confronting the Nation; that already we have drifted regarding the black race into a condition which seriously suggests the withdrawal of the political rights heretofore mistakenly granted—the inauguration of a humane national policy which, with the cooperation and the aid of the Southern States, shall recognize that the blacks are a race of children, requiring guidance, industrial training, and the development of self-control, and other measures intended to reduce the danger of the race complication, formerly sectional, but now becoming national.

SITUATION ON ATLANTIC.

"That confronting us on the Atlantic is Europe, with a total population of 300,000,000 white people, whose surplus seeks outlet on our soil; that we have found it difficult to assimilate even the immigrants of the white race from that Continent and have been obliged by law to carefully restrict such immigration.

"That confronting us on the Pacific lies Asia, with a population of 1,000,000,000 people of the yellow and brown races, who, if unrestricted, would overwhelmingly immigrate to our country of unrivaled resources, of high wages, and almost unlimited capacity to support additional population; that preeminent among these people stands Japan—strong, aggressive, with high-spirited qualities, which the American people admire, but which, if given play on American soil, would develop the strongest form of race antagonism.

CAN NOT ASSIMILATE RACES.

"That history teaches that it is impossible to develop a homogeneous people by the juxtaposition of races differing in color upon the same soil; that under such conditions race tolerance means an undesirable race amalgamation, and that race intolerance means ultimately race war, or the reduction of one of the races to servitude.

"That, therefore, our duty to our race and our institutions and the maintenance of friendship with races differing in color alike demand that we abandon the attempted adjustment of these questions by international treaty and pass a national law to take effect upon the expiration of existing treaties emphatically declaring that our country is open to white immigration alone; that such immigration shall be restricted to those of a constitution, character, and training that will ultimately fit them for American citizenship; and that other races shall be excluded from immigration except for purposes of trade, travel, and education."

NO GROUND FOR OFFENSE.

Senator NEWLANDS adds that dignified legislative action of this kind could not be made the ground of offense by any nation affected; that Japan herself would be the first to take similar action were the integrity of her race and her institutions threatened; that the United States always had been friendly to Japan in her struggles to maintain and protect her territorial and racial integrity; and that such action was entirely consistent with absolute friendliness between the nations.

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GWINISM IN CALIFORNIA.

Letter to Senator Gwin.

Sir: I address you in no captious nor unfriendly style. Perhaps you will thank me some for what I have to say, and profit a little thereby. I have read your partial stewardship account, made public through your speech at Stockton, and as one of your constituents, am free to confess you have served your State as faithfully and ably, so far as legislation goes, as any man we could have sent to Washington. I am induced to believe so, because of your much superiority over any other delegate to Congress, since we became a State.* Here, however, must end my praise of your official acts, and now for the detracting contra.

Near the close of 1856, I addressed, through the columns of the *Bulletin*, of this city, a series of letters to the President elect. In them I dwelt upon the rapid wane of patriotism, the reckless discontent and wide-spread corruption produced by the improper dispensation of the Federal patronage. I called attention to the wide departure, with us, during recent years, from the true theory of the Government, which, indeed, is the theory and sound policy of every form of government—to select for office the best men in the land and assign each to that position his peculiar qualifications enabled him to fill. I pointed out to Mr. Buchanan the ignoration, by President Pierce, of this only way to uphold the integrity of a State, and secure a faithful administration of the laws; dwelling especially upon the evils of that system he so fully inaugurated—of surrendering almost all the Executive patronage in a State, to its Senators in Congress; thus so greatly increasing the oligarchal rule of that conservative body, and educating its members in selfish, mercenary ways. And this has been an all-powerful appliance to drag that once pure and dignified arm of the General Government, down to its present demagogue and partisan condition.

Without citing its practice and evil effects in other States, I confine myself to the manner you have acted in the premises. I do not charge that you have done worse than would any other person who could be elected to your place, in these degenerate days; I am condemning more the system than yourself.

And what has been your practice—to seek out men of merit, those whose moral traits and intellectual culture rank them above their fellows, and especially fit them for positions? Not at all, sir. You have made your selections upon entirely different grounds. The only pathway to your notice and kind offices was to serve you in preference to their country. Thus with promises of office, both Federal and State, and through means of the rich contracts you were enabled to reward with, you gradually surrounded yourself with a mere mercenary band of partisans, until now it seems impossible for a man of character to approach you, or be spoken of by you, unless it is to order your retainers to traduce and keep him down, should he appear to be gaining the confidence of the public. In this way you went into the halls of legislation to buy up votes, bestowing, however, the best places upon those influential lobby members, who, more than the *softs* within the bar, contributed to your success. Do you perceive, sir, how you degrade these men, even those of fine talents, by extorting such humiliating service? And it is by thus first destroying their pride and self-respect, that so many of them, when appointed to place, turn out defaulters or neglectors of their duty.

A part of this Senatorial purchasing system, like to that of some of the rotten, effete gov-

* And yet I know not for what great service especial praise shall be awarded to our ten years Senator. Above and beyond all else we needed, was an early and equitable settlement of our land titles. The terrible confusion this great interest is yet in—the deep injury done to individuals and the State by reason of it, is known to the much sorrow of us all. That Dr. Gwin is greatly to blame for this, appears to be the general sentiment.

ernments of Europe, has been the custom of foisting into office a host of worthless offshoots of old distinguished families—fellows wholly devoid of requisite qualifications to fill them, and by no sort of service to their country, the least entitled to favor. And none more than yourself have aided in this Nepotism; as, witness the importation and quartering at the public crib in California of so many degenerate scions of illustrious houses, mostly from Southern States. But not upon the Federal funds alone do you batten all these cormorant retainers. It has been through means of this organized despotic system that you and your satellites have been enabled to thwart the free action and smother the voice of the people in choosing all our State officials, even for the most inferior posts, which vile system has so much tended to demoralize the whole body politic, and destroy the independence and manhood of all seeking preferment and willing. at length, to accede to such humiliating terms as the only channel to success; at the same time, keeping in the background all that class of capable and worthy persons who have been too proud to place themselves in abject fealty to the behests of you unscrupulous leaders. And it is this infamous system of favoritism, regardless of worth, which has so rapidly plunged our country, the past few years, into all manner of corrupt practices, rendered imbecile and impotent the management of public affairs, and which is now threatening us with speedy chaos and disruption. It is this which drives thousands in California, and hundreds of thousands throughout the Union, away from the Democratic party, who yet believe in the soundness of the principles it promulgates. To get rid of the hordes of treasury leeches, political gamblers, and nincompoop younger sons of our old nobility—these would risk a change of dynasty, even though that dynasty be a Black Republican.

The American people are in that unfortunate predicament the English found themselves a few centuries ago. It is a choice now betwixt the corrupt Stuarts (Democratic party) and bigot Roundheads—lineal descendants of the identical psalm-singing set of Pharisees who for a time attained to power under Cromwell, (a good enough man himself,) whose fanatical despotism proved more intolerable than that of the Stuarts, with all their imperfections, and accordingly, these were soon restored.

But I would cut the Gordian knot, so that neither bigot Roundhead nor degenerate Cavalier shall reign over us. I would sever the Union, and let each section work out its destiny as best it may.

You seek a reëlection at the coming session. Possibly you may win. But let me whisper this—that your system has so much demoralized our Legislatures as to preclude entirely your selection upon any other terms than those by which you have achieved success before. You had as well, therefore, make up your mind at once you'll have to expend in cash, and well-attested promises of office and the like, far more next winter than in 1857. Members will be made fully aware that you'll give any price whatever rather than be defeated. The way you won the last time is warrant sufficient for believing this. They know your backers are rich.

The Way to Defeat the Re-election of Senator Gwin---Its Fruits, if Successful.

Notwithstanding the State of California will undoubtedly cast its electoral vote for Breckinridge and Lane*; and although upon his victorious tide Dr. William M. Gwin is artfully trimming his sails to be once more wafted into that haven of his desire, the post he now occupies, yet it is easy to defeat him, should the different parties smother somewhat their prejudices and resentments, and adopt the plan I propose.

Dr. Gwin has ever been fiercely assailed by most of the newspapers in this State, and defended by few, which proves his great unpopularity among the people. And wherefore have not the Democratic presses sustaining the Aministration come oftener to his aid in exposing the much falsehood and trivial charges preferred against him? Because of such unpopularity, and this produced mainly for the very reasons set forth in my letter to him. He has surrounded himself, for years, by a Pretorian band of sub-officials, who have grown insolent by the immunities their master affords them, and, like all such mercenaries, are inimical to every one who does not recognize the supremacy of their chief, and stand ready to put down any and all who may be thought unfriendly to his power, as upheld through them.

So long as he is able to dispense largess to them will they be true to him. He holds them by no tie of affection, admiration for his character, nor patriotic prompting, to keep him in high position, because of his superior ability to serve a common country. To free ourselves from the rule of these tyrannic retainers more

* If, perchance, I err in this, 't will be by reason of the party's shouldering such a revolting load as Gwin, Washington, *et id omne genus*. Indeed, I know it loses much in having the support and friendship of this class of men.

than that of their lord, should be the aim of all those seeking the good of the State and their own advancement. Whilst attending the late Breckinridge State Convention, I was made cognizant of a disposition among many in that body to rid us of this incubus. I heard much sneering comment, and just complaint, that their senior Senator could never be seen unless attended by more or less of these papfed fellows. They remarked his coming to the Convention, surrounded by a cohort of Federal officials as his body guard, through whose serried ranks all had to pass when approaching him, and be subject to their jealous, spying, and police inquisition. Hence, I say it needs but a little sober consultation among the various opposing cliques and parties to dethrone this much hated dynasty. Let me suggest the following:

In the present divided and distracted state of parties, a minority, where well banded together by a common tie and understanding, can secure the election of their legislative candidates in various counties; and these candidates, under the present well concocted and widely ramified plan of Gwin, his coadjutors and adherents, will be mostly in his favor.

Among the schemes resorted to, is the sham antagonism of Weller. In several counties where nominations have been made, and in which the Weller preference was known, these legislative candidates are either pledged to go for him, else understood to favor him or any one to Gwin. I say this is all an artful, scheming sham. Weller's votes are, or will be, every one, for Gwin. The bond to this effect has been signed and sealed between these high contracting parties. Weller has little hope of securing a majority favorable to his senatorial aspirations in the coming Legislature, (but should such good luck happen to him, I may parenthetically remark, he will make no scruple to violate his contract with Doctor Gwin and seize the prize he is pledged to aid the party of the first part in laying hands upon, for it's the way with all these sort of men—punic faith,) therefore has, I repeat, bargained with Gwin to make over all his votes and other influence to him, for and in consideration of a fat, easy federal appointment of considerable consequence, doubtless some foreign embassy, mayhap the Minister to Mexico.*

As yet, between Doctor Gwin and General Denver, no compact has been entered into. That Gwin, if needing his supporters in the Legislature (should he have any) will be able to trade for them, I entertain no shadow of doubt.

The safest way, therefore, to secure a majority opposed to the gray-haired chieftain and his champions, will be for a combination of all opposing elements upon the Douglas and Bell and Everett candidates, or even Lincolnites, in what few counties these have strength; also, let the adherents of these Presidential nominees vote for the Breckinridge candidates who are men of positive character and well known to be hostile to the Gwin faction.

From present appearances I do not think it difficult to so fix parties in the ensuing Legislature as to prevent the selection of any Senator at all. Certainly neither wing of the Democracy can complain about any such factious conduct on the part of others, since they on several occasions have, by reason of disagreement among themselves, postponed the election, leaving thereby a vacancy in the delegation; and in 1856, the refusal of Mr. Flint and Democratic Senators with whom he acted to vote for going into a joint convention, whereby Gov. Foote was prevented an election, was hailed by the whole party with exultation; and this postponement, as is well known, caused the election of two Senators to come on the following session, when the famous (infamous?) bargain, sale, payment, transfer, waver, etc., between D. C. Broderick and Wm. M. Gwin was consummated.

Postpone the election next winter, and Gwin's chances are forever dead in California; and then, having no ties nor interests to keep him here, he will never step foot within the borders of the State again. To this scheme Latham will lend all his aid, as in the event of a Democratic President being inaugurated next 4th of March, he would have the dispensation of most of the Federal patronage in California, when the major portion of Gwin's adherents may beg in vain for some of the crumbs of office.

If, as I know to be true, so large a majority of the leading men and immense preponderance of the popular will, most anxiously aim to defeat Dr. Gwin and his pensioned minions, I would again urge the temporary setting aside their differences, and joining together for this common purpose. Time presses. Let there be no effort to assemble unwieldy conventions to effect a fusion, but let the thinking, acting, prominent men of the different parties in each county come at once to a conference, decide on a programme, and then out boldly with an avowal of what they have done and seek to do. If thought best to achieve success, independent candidates under certain circumstances should be brought out, mainly upon this issue: To action!!

* Some of Governor Weller's friends complain that I wrong him in this matter. If so there is no harm done, provided his friends in the list of candidates will, from the stump, disavow all participation and intent to aid in consummating such bargain.

Gwin's Southernism.

Much of the present strength of Dr. Gwin in California, is his sustainment by Southern men, because of his alleged able advocacy of the equal rights of all the States, and whole-souled, heartfelt defence of the stand taken by the South to maintain its proper status in the Union.

Strange, indeed, that Dr. Gwin should be titled a *par-excellent* champion in this cause, when we look into his record. And what is that record? A defeated politician at home, he came to California in 1849, boldly avowing his object to assist in forming an irregular and premature State government, that he might get returned a Senator in Congress. Finding comparatively few people here from his native section, and believing the Free-soil sentiment, in all its bearings, would actuate the public will, he conceived it policy to ignore the feelings of his heart and the judgment of his brain, turn traitor to truth and right, and pander to Northern prejudice by avowing himself a free-soiler. He said he came to California mainly to gratify his personal preference for living in a Free State, and intended bringing out his family soon to make it a home for life. Finding, however, he was raising up enemies here among an influential class of other Southern born men, whose mistaken views and selfish ambition did not prompt them to such avowals, he soon after attempted to qualify and explain away his anti-slavery assertions.

And now to something of self, as connected with our elder Senator, to prove my allegations. Having had acquaintance with Dr. Gwin in Mississippi, during my younger manhood years, I met him with cordiality upon his arrival hither; and when he made his first visit to the Sacramento Valley during that summer, I, then the most prominent and well known citizen in such quarter, took pleasure in introducing him to the people, and speaking in his behalf. When, however, I afterwards learned of the false sentiments he had uttered, of his recreancy to the creed in which he was reared, my feelings cooled towards him; and though from that day to this I have been neither his friend nor active enemy, yet this very traitorism, as I term it and denounced then, was at the start the sole cause of what estrangement is betwixt us. Long before him I left that same common land of our birth; yet no greedy love of gold, nor office longing, has ever caused me for a moment to prove untruthful to my brethren there, nor forswear the honest convictions I entertain regarding the fundamental right and superior excellence of the slavery institution among any people and in every quarter of the world. Whilst Dr. Gwin essayed to win his high preferment by opposing such sound doctrines, I, too independent, proud, and truthful to follow his example, have for years made enemies and blocked my path to favor and position by a too offensive and supposed extreme maintainment of these views.

Having previously expended much of fortune, and devoted years of time, in advocating this and other measures I thought conducive to the country's good, I went to Oregon in 1857, to avail myself of the opportunity then and there afforded, pending the issues raised when forming their State government, to argue this great question of free and slave labor, and other matters pertinent thereto. During that contest I took occasion to fiercely denounce the Free-soil wing of the Democracy, told the people there of the unavoidable and natural conflict between the Sections, and that the time drew nigh when these "Abolition Democrats," as they now term them there, would show their true colors, and be found affiliating with the Republicans.

I mention my participation in these things, to prove to genuine, high-toned Southern men, who stand by Dr. Gwin because of his fancied ardent attachment to the rights and interests of the South, that he cannot be trusted in the premises. The fact I state is notorious about his free-soil talk when first he landed on this shore, and which he, undoubtedly, would have kept on at, until he had advanced as far in such direction as Seward, Banks or Lincoln, had he found it popular, and would help him into place.

And now that I, advancing, as is my wont, to an extreme position, in order to battle best for what I conceive the true interest of both my native and adopted section; Gwin, whose plans I help to thwart, (for dissolution or disturbance would be death to all his aspirations,) orders or permits his hordes of renegade pensioners from the Southern States, quartered among and on us, to taunt me with what they, each and every one, are conscious is a falsehood—as being tinctured with Black Republicanism, because I vote for Lincoln. I have published the wish to see him chosen President, in hopes it may effect disunion, at least eventuate in some grand change and crisis, as it evidently will, and which, I know, must be for the better, whatever turmoil, for a time, may happen. I believe it best for California, in conjunction with other States this side of the Rocky Mountains, to set up an Independent Government; and one great incentive to this is the belief that California and her sister Pa-

cific States will, so long as attached to the present Federal Union, be slavishly and corruptly ruled through means of the improper dispensation of its patronage, as she is now, under the infamous Gwin system, or system he so strictly adheres to.

For years his chief minions in this city, and subordinates elsewhere throughout the State, though mostly hailing from the Southern States—some of them my fellow Virginians—have been my worst enemies, and all because I have been too independent to join their serf ranks, and, for some petty office, swear fidelity to the powers that be.

Another proof that Dr. Gwin has little love or admiration for moral worth and genuine Southern defenders, is the maintenance of his official organ in San Francisco, under its present auspices.

The *Herald*—which the whole batch o Southern fools in California (a goodly number) have been induced to ever sustain, with all the infamous character its founder and chief editor so notoriously attached to it—has recently passed into new hands, its old editor at length coming out boldly to avow how he had so long duped the men who have always rallied to his support.

It is now the pensioned organ of Dr. Gwin and his especial favorites. Its proprietor and ostensible editor-in-chief is G. W. Guthrie, who holds a lucrative office in the Customs. He is a selfish, cold-blooded, money-grasping man, and at heart a genuine Black Republican, in whose ranks he would now be, but for his filling a good cash berth under the present regime. Its assistant editors were both staunch supporters of Broderick when living, and now are ardent admirers of Douglas and his doctrines, with strong Black Republican proclivities.

When Nugent left the paper, White expected to be, and should have been, selected editor of the new Douglas organ, the *Nation*. Owing, however, to some opposition in that quarter, and receiving a handsome offer to remain in the *Herald*, and write in favor of the man he had been for years assailing, he concluded, for a valuable consideration—the cash in hand, and certified promise of future reward from Wm. M. Gwin—to serve him in this campaign.

Such, my Southern brethren, supporters of the Breckinridge ticket, are the means Gwin is using to get himself re-elected to the Senate. He cares not for your constant fidelity to national platforms—to the rights of your native section, except as the sustainment of such will advance himself—but takes to his embrace their and your worst foes, who may, for the time, be bribed to aid him in his selfish schemes.

Gwin and his Office Guards.

To battle despotism in all its forms is the instinctive prompting of man's nature.

To contend for fair play, truth and right, is the inherent disposition of every person of unperverted heart and judgment.

Enlightened selfishness and a sense of duty to society alike declare these axioms true. It matters little, therefore, to what especial motive may be imputed the publications over the *nom deplume* of "Californian." The question to be decided is, whether what I write be true or false.

For years have I writhed beneath the infamous power I assail; a more galling vassalage to me than others, because in upholding principles I deemed best for the country, I have expended many thousands of dollars, devoted years of intellectual labor, and endured the most pinching poverty for a long time past, to place in position the very men who have kept me crushed down, and at the same time failed in every essential to practice the creed we, in common, profess.

In appealing to the public to aid me in dethroning this most unprincipled and mercenary junto, who are banded together by naught else than the "cohesive ties of public plunder," let me say, I fight for others worthy of its confidence and favor, as well as for myself.

I appeal to men who have done something meritorious for their country, and are fitted to fill offices of honor, trust and profit, to join with me in routing all these hireling Hessians, Switzers and Micawbers. I appeal to men of letters throughout the State, to those still having a little manhood left, and whose pens have served out some wholesome mental pabulum, to vindicate themselves and right by helping me in my efforts. Many of us are imbued with honorable ambition; we seek to rise upon our merits alone, to attain by open and fair means that station and support we feel ourselves entitled to by reason of our superior intellectual and moral worth; and in striving for this individual advancement, we best serve the people.

I likewise appeal to that other class—those mere selfish aspirants, who, like most of these whom Gwin and his like reward, are equally as unworthy and unfit for promotion, yet have as much right as they to take their turn at the public teat.

Ever since California became a State have we had this same worthless gang clamoring for, and holding nearly all the public posts.

For two Administrations has Gwin kept several of his pet retainers in position; and these are now laboring most manfully for *him*, in order, through his agency, to obtain another four year's lease to offices to which they even now begin to think they have a prescriptive right.

The following, from my pen, was published in the *S. F. Evening Bulletin* of January 17th, 1857:

Corruption of Politics in California through the Federal Patronage—No. IV.

Spurious Chivalry.

To James Buchanan, President Elect of the United States of America:

My Dear Sir—In this, the concluding letter of the series I have had the honor of addressing to you, I approach a question of some delicacy—one of mortification to me—one, too, which indirectly affects me personally, and about which, for five years past, I have been intending to express my opinion through the press, and write what I have again and again spoken of during such period. I allude to the illegitimate and unfairly obtained controlling influence exercised over the politics of this State, by a certain class of men from the Southern States, of which you have seen some specimens about Washington. No Northern-born man, not even the most intensely Southern-hating Republican, desires more to see an end put to such tyrannous rule, and these false representatives of their native section shorn of all power to longer injure this State, and disgrace the land they hail from, than a large number here of those born and reared where they come from. For, besides the resentment felt towards them for so mortifying us because of the common birthright claim set up to that proud and noble land; we, the protestors, suffer here in interest, in consequence of the stigma which attaches to all alike, the good and bad, hailing from that quarter, arising from the misconduct of a part. Northern reared men in California are not much to be blamed for entertaining very erroneous opinions regarding Southern character and society; nor for imbibing, as some have here, who before felt differently, a prejudice against all coming from the Slave States. In vain do we tell them, that these men who so grossly offend us, as well as themselves, are not the true exponents of Southern sentiment, nor exemplars of its society. They point to the fact that such are our ruling ones here, such chiefly fill the Federal and State offices, and by occupying the front rank in everything, give tone and shape to all the public can judge of in estimating the general characteristics of people from their section.

To Washington city we trace the cause of much of this evil, and to that place we shall look for some correction of it. The time is not far distant when a full exposure and stoppage of the system practiced in this State by the cunning schemers and blackguard bullies belonging to and ruling our political affairs, will be made. Deceived in their character, and blind to the false and fatal policy such are pursuing, a large number of the most honorable men in the State, from the same portion of the Union as themselves, as well as good citizens from other quarters, have innocently and willingly continued to give them support; whilst we who know them well, see plainly the great wrongs they are inflicting upon our adopted State, and deeply feel the disgrace they bring upon us and our common birth-place, are yet forced, under existing circumstances, to yield, with occasional exceptions, to their dictation, and aid in putting them into places of honor, trust and profit.

But now, to speak of that portion of this wrong you have it in your power and which we want you to redress. The South being the birthplace of American Democracy, and there its main strength ever existing, it necessarily follows that so long as the party upholding such principles retains possession of the Government, that section should exercise its due share of control over it. Under the present, as well as previous Democratic administrations such has been the case, and though in the main I highly approve of the policy pursued, there are certain portions against which my objections must be entered. In this latter category is that of the abuse practiced in the Federal appointments for this State, and traceable to the undue and improperly exercised influence of Southern members of Congress, and others from that section having the ear of the President.

In quartering among us, and filling so many of the lucrative and otherwise important offices in California, with non-residents, (for several have come out here from the South, ostensibly to make it a permanent home and pursue their professional calling, but really with a commission in pocket, to be pulled out after a six month's residence made them citizens by law), an injury has been done our State, and just cause of offence created in the breasts of our people against the present Executive. In this particular, we suffer a double injury, for the people of California are so unwise and faithless to their best interests as to

practice to a large extent the same thing themselves. This, however, may be attributed to several causes—first, because, though having many *people* in the State, we yet have few *citizens;* and will not have much increase of the latter, so long as the money-seeking sojourners here use the phrase "going home," when talking of visiting the eastern side. Another reason arises, perhaps, from that courteous feeling towards strangers, which prompts our generous nature to do little offices of kindness for each other in our journey through life.

A vast, incongruous and heterogenous multitude, have been suddenly drawn within this grand Californian golden maelstrom. Nothing is yet settled, all still in a whirl, nobody apparently at home, only "stopping awile." Our people seem to feel like they were putting up at some great caravansera, where, as is customary in hotels, the last comer is treated for a time with the greatest respect—an opening made for him at the fire, the head seat offered him at the table, and such other distinguishing marks of attention proffered. Thus the latest arrival in one of our steamers of some traveling, *prospecting* politician, stands the best chance for preferment; since in such case, the old adage of "first come, first and best served," is with us reversed—the highest recommendation, seemingly, a man can offer, when asking for an office, is that he has recently arrived in the country. Since such a system is most ruinous to those who self-inflict it, I know of no excuse they can set up for continuing it, except the plea be offered, that among all who have been here long enough to develop their original character, or become contaminated from inhaling the moral miasma of our atmosphere, there are none to be trusted, and they choose a new comer at haphazard, knowing matters can't be worsted, and may be bettered.

A notable example of this proclivity to select strangers for high positions, was manifested at the late Democratic State Convention, where two gentlemen—clever, excellent ones, I doubt not—of comparatively short residence in the State, and wholly unknown, except to a very small circle of acquaintances in this city, were put upon the electoral ticket; and one of them, in violation of all sense of delicacy and the precedent established in other States, selected as messengers to take the vote to Washington.* A host of lazy, loafing young men, from the section I speak of, of good stock generally, but somewhat deteriorated, or run out in them—of mental capacity quite limited, though from early training and association, retaining still some notions of honor and integrity, are constant applicants to fill every inferior post—city, State or Federal, that may become vacant. And too many of these, I regret to say, both on their own account and that of their country, obtain such. This thing has grown to be quite a nuisance, for the success of one causes a dozen new importunate solicitors to beg for a share of the crumbs.

Drones and spendthrifts at home, their families gladly took the opportunity to ship these younger sons to California, to seek their fortunes, and here depend upon their own exertions in making a living. This plan has made men of some of them, and given this State quite a number of her best and most useful citizens of that class; but a majority, it is to be regretted, have turned out much worse here than at their old homes. Too indolent, or else incapacitated for earning a legitimate livelihood, they have turned their attention to gambling or political pimping—the two often combined. With a pistol and bowie knife slung to their backsides, they enlist under some political chief, and as "Sir Oracles" of the grog shops,—where most all our politics are done up,—generally manage to talk and fight their candidates successfully into power, and then get, for their reward, places through the patronage of these, their leaders, else *borrow*, from those who receive the spoils, enough to live on.

Related, as numbers are, to members of Congress and other high functionaries at Washington, from the South, they operate through them in getting berths here, which the head appointees to certain offices are forced, at times, even against their own will, to give them, but so compelled by the influence alluded to, as a part of the price to be paid those Washington gentry, for aid rendered in obtaining their own situations.

Several of these hopeful, or rather hopeless, scions of illustrious southern houses, manage, after all other appeals are found to be in vain, to get provided for by threatening, through letter, a return to their old homes, to sponge out a better and easier living, on their friends and relatives. This brings matters to a crisis, and the appointment is secured at once.

Pardon me, Mr. President, if in this familiar talk I have spoken that which you may deem trivial. To you abroad, the contents of this letter may appear so; but if I had not thought otherwise, I should not have written it. To others from this quarter whom you know better, and whose judgment can, per consequence, be more safely depended on, I leave its recommendation to your perusal and reflection.

AN OLD CALIFORNIAN.

P. S. Since the above was written, the Leg-

* He has never returned to the State.

islature has met, and elected two United States Senators.

The way in which this bone of contention was settled may be partially learned from a perusal of the public prints—but not all. Enough, however, can be seen at a glance, to fully convince you of the necessity of adopting the line of policy recommended in my two first letters. Without asking you to hearken to the almost unanimous expression of the people of California, as appearing through the columns of nine-tenths of the newspapers of the State, I would trouble you to read only the enclosed address of Dr. Gwin, to the citizens of California—the editorial comments of the *Democratic State Journal* thereon of the same date in which the document originally appeared through that paper, and also the leading editorial in the same paper of the 16th instant, on the same subject. These editorials from the leading Broderick organ, are defensive and exculpatory of the conduct of our newly elected Senators. Sufficient is it to assert the fact, and none in this community dare gainsay it, that not more than one man in a thousand but utterly condemns the whole proceedings and denounces the "bargain, sale and corruption."

The editorials in question fully sustain the allegations made in my first letter, respecting the corrupting effect of dispensing the Federal patronage through the hands of the Senators. Looking upon these officials as the depositories of all power, and only elected for the purpose of parcelling out the offices (it being taken for granted you will have no say in the matter,) the editor, by his argument, would appear to confirm the report of the purchase of a majority of the Democratic members of the Legislature by Mr. Broderick; since he speaks of this Senator's supporters, as if they were a merchantable, bartering sort of commodity, to be used and disposed of by their owner in what way he wished.

The open, frank, take-it-for-granted-all-right manner, in which the writer defends his position and Mr. Broderick's course, reveals more clearly than all denunciations against such, the incomparably foul character of the political elements in California, and degraded depth to which our leading controlling politicians have sunk.

Dr. Gwin has acted wisely, in waiving all desire or intention of interfering with the appointments, but wickedly, in bargaining beforehand with Mr. Broderick and his friends to do so—and foolishly, to publicly dishonor himself and colleague, by publishing their shame to the world.

There is but one mode for Mr. Broderick to wipe away the stigma now resting on him as a party to the disgraceful agreement; and that is, to refuse on his part likewise, to have anything to do with the Government patronage. Should he not agree to act thus, the people of California will await with much solicitude to learn whether the President will not by veto checkmate the nefarious schemes and blast the fruits of their infamous and unholy covenant.*

* The result of this foul bargaining is well known to all. So far from Mr. Buchanan hearkening to my patriotic counselling, he became a party to the fraud, by aiding Gwin to outwit and play false to Broderick. The latter was so profoundly ignorant of Gwin's great duplicity, as to imagine he would, at least, observe the maxim of "honor among thieves."

Where is that other document, which Gwin was forced to sign before Broderick would make him Senator?

TO THE PUBLIC.

Occupying a position, during the present political imbroglio, outside of all the cliques and parties, some of my independent remarks in the foregoing chapters, will doubtless be displeasing to each. Since, however, almost everybody, in whatever ranks—the Breckenridge included—is anti-Gwin, let them for the time overlook any offensive expressions about themselves, and aid me in defeating the common foe.

I have had struck off but very few pamphlets, by reason of a lack of funds. Persons in the city or in the interior wishing I should print and circulate more, must send me their cash and orders. If my whole antecedent career is not warrant sufficient that their money will be honestly applied, the *con amore* feeling evinced in these articles should be. I have much more matter of the same sort to pen.

CHARLES E. PICKETT.

San Francisco, Oct. 1860.

☞ *Please read and hand to your neighbor.* ☜

The Treaty-Making Power of the Government and the Japanese Question.

SPEECH

OF

HON. EVERIS A. HAYES,

OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

Wednesday, January 23, 1907.

WASHINGTON.
1907.

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The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 24640) making appropriations for the payment of pensions for the fiscal year ending June 30, 1908, and for other purposes—

Mr. HAYES said:

Mr. CHAIRMAN: On Wednesday last the gentleman from Vermont [Mr. FOSTER] engaged in an able and learned discussion of the subject of the treaty-making power, and on yesterday we listened to a clear exposition of the same question by the distinguished and learned lawyer the gentleman from Kentucky [Mr. SHERLEY]. The conclusion drawn from the authorities quoted by the gentleman from Vermont [Mr. FOSTER] seems to be that by means of a treaty the Federal Government may legislate—indeed, has legislated—upon subjects which are generally supposed to have been reserved to the States. The impression conveyed was, although this was not directly stated by the gentleman, that at least in some cases the Federal Government could make encroachments upon the States through the treaty-making power when the Congress of the United States, expressing itself by means of a statute, would be held by the courts to be exercising powers not granted to it by the Constitution.

I think the authorities cited by the gentleman do not fully support this claim. On the contrary, it seems to be pretty well settled that the President and the Senate can make no treaty which the Congress of the United States could not afterwards supplement, alter, or repeal by a statute.

Although this has never been directly decided by the Federal courts, still the decisions on the treaty-making power lead very strongly to the conclusion that a treaty as well as a statute of the United States has no validity unless the power to deal with the subject-matter of it is conferred expressly or by necessary implication by the Constitution. There seems to be nothing in the authorities to give color to the claim that a treaty may invade territory from which the statute passed by Congress is excluded.

In the case of Fông Yue Ting *v.* United States (149 U. S., 721) Mr. Justice Gray, delivering the opinion of the court, says:

A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be re-

pealed or modified at the pleasure of Congress. In either case the last expression of the sovereign will must control.

So far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

That the power to regulate the relations of the United States with foreign countries and the intercourse of the citizens of our own and other nations has been granted by the Constitution to the Federal Government can not, of course, be denied. That treaties made or statutes passed by the Federal Government for the purpose of such regulation must be held paramount over the constitution, laws, or local ordinances of any State must be admitted. But it may at least be doubted whether under the Constitution the treaty-making power of the Government could legislate by a treaty to take away the reserved rights of the States in a case where the Congress of the United States could not constitutionally do so. The case of Fong Yue Ting, above quoted, and several others that might be cited, seem to establish the principle that a treaty which requires no legislation to put it in force, but operates of itself, is to be regarded only as the equivalent of a statute, and that the Executive and the Senate can make no treaty in regard to the rights of aliens that could not be modified or wholly abrogated by a subsequent act of Congress. It would therefore seem to follow that the authority to make a treaty under the Constitution must be discovered by exacly the same process as the authority to pass a statute. The grant of power to make treaties, I venture to assert, must be exercised like any other power conferred upon any branch of the Federal Government, not as if it were the only grant contained in the instrument, but in full view of all the other provisions and subject to all the limitations of the Constitution, in order to give them all operation and authority. The provision of the Constitution reserving to the States or to the people all powers not granted to the Federal Government must be just as binding upon the treaty-making power as upon any other branch of the Government. Any other doctrine would be revolutionary in its tendency.

In view of these principles, most of which are well settled by the decisions of the courts, what shall be said of the right claimed for the treaty-making power of the United States by a treaty with a foreign government to force the citizens of a State to tax themselves to maintain schools for the education of the children of unnaturalized aliens temporarily residing in such State? To come down to the specific case which has called forth this discussion of the extent of the treaty-making power, could the Executive and the Senate of the United States make a valid treaty with Japan under which the President of the United States could lawfully employ the Army and the Navy to compel the people of California or any municipality therein to tax themselves to furnish free education for the children of such unnaturalized subjects of the Mikado as might happen to be residing in such State or municipality? The provision of the Constitution that "direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," ought, it would seem, to set that question at rest. No one will probably claim that the Federal Government could constitutionally levy direct taxes upon the people of California for the purpose of establishing and maintaining

schools in which to educate the subjects of Japan sojourning in California; nor could Congress pass any law compelling the levying of such direct taxes by the several States for such purpose. Where is the authority for claiming that the Federal Government may in this respect do by indirection, through a treaty, what it can not do directly? If the expense of maintaining the schools of California or any part of it was borne by the Federal Government there might be at least some basis for such a claim.

The gentleman from Vermont admits that California is under no obligation to the General Government to maintain schools or to educate anybody. But he states, "that the treaty-making power of the National Government can by treaty stipulation provide that the subjects of Japan may enjoy in the State of California, equally with the citizens of the State, such public schools as the State of California does maintain." Whether the treaty-making power could do this is at least subject to very grave doubt. Certainly no decision cited by the gentleman or any decision that I can find goes so far. All the decisions which he cited in support of this contention relate to the right of the alien to own, enjoy, and transfer property, to the right to labor for a livelihood, and generally the right to protection and to life, liberty, and the pursuit of happiness. Nearly all of these rights are guaranteed to all persons within the jurisdiction of the several States by the Federal Constitution, and are very different from a privilege enjoyed, for example, by the people of California, and for which they themselves pay. Between property rights—between those imperative rights guaranteed by the Constitution and the local privileges enjoyed by the people of California, for which they tax themselves and of which they may at will deprive themselves—there is a wide and most radical difference. If the Federal Government may by treaty or otherwise constitutionally invade these local privileges and dictate how they shall be enjoyed and who shall enjoy them, as yet the courts have not judicially determined that this is the supreme law of the land.

Mr. Chairman, it is not my purpose at this time to enter upon any extended discussion of these constitutional questions, but I believe the time has come when I may discuss dispassionately and briefly the recent incidents in our history which have called forth these discussions. The recent San Francisco school incident, happily for the people of California, does not involve any of these constitutional questions, because when the facts are understood it will be found that San Francisco has not violated the treaty between this country and Japan. The only part of the treaty of 1894 between this country and Japan upon which any claim of violation could be based reads as follows:

> In whatever relates to rights of *residence* and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise, and the disposal of property of any sort and in any manner whatsoever, which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most-favored nation.

It is claimed by some that the right of residence thus granted to the citizens of Japan implies not only the right of all Japanese children to education in the public schools in this country and at public expense, but also the right to education in the same

schools as the children of our own citizens or those of other foreign countries. In other words, it is claimed that under this treaty when a citizen of Japan comes to this country and takes up a temporary residence, as a matter of international right he can force himself or his children into any public school in the land without any reference to local or State laws, regulations, or customs. If this claim of Japan should be held to be well founded, before long we may expect to see Japan insisting that her treaty rights have been invaded and her citizens discriminated against, because we naturalize the subjects of Germany, for example, put them on the police force, and even send them to Congress, and the like privileges are not extended to citizens of Japan. In nearly every municipality in this country where there is any considerable percentage of colored population the colored school children are segregated from those of white parentage, yet under this claim of Japan her citizens are not to be held as bound by local school laws and regulations which have universally been held to be constitutional and proper and binding upon our citizens of colored blood.

But the assumption that the treaty of 1894 intended to give and does give to the subjects of Japan the right to free education is a violent one not warranted by the language of the treaty itself. The rights conferred by the treaty are clearly and specifically enumerated and the right to free public education is not among them. It should also be borne in mind that under our law Japanese can not become citizens, and therefore neither the United States nor the State of California would be chargeable with a duty to educate in order to prepare the future citizen for the duties and responsibilities of citizenship.

Even admitting that the treaty of 1894 does give to Japanese subjects equal opportunities for education in the public schools as our own citizens, still the board of education in segregating the children of Japanese parentage from the white children has violated no treaty and done no wrong. The Civil Code of California, section 1662, reads as follows:

> (*School.*) Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school.

In accordance with this statute, many years ago a separate school was established in San Francisco and has since been maintained for the education of Chinese children, called the oriental school. Since this separate school was established, in accordance with the positive mandate of the statute that "Indian, Chinese, or Mongolian children must not be admitted to any other school," the San Francisco school board had no alternative; it was obliged, under the law, to assign the Japanese children to the oriental school. Some unfavorable comment has been caused because there were only 93 Japanese children affected by the order of the board assigning them to the oriental school, 25 of whom were native born. If there were but 9 such children, the case would be the same; it was the duty of the board to assign them to the oriental school. This school is centrally located, as well equipped and with as competent teachers as any in the city. Chinese have been attending the

oriental school for years, and nobody has discovered that their segregation was "a wicked absurdity."

Was it legal and proper for California or the school authorities of San Francisco to segregate the native-born school children of Mongolian descent, establish separate schools for them, and forbid them to attend the schools maintained for white children? There is not a particle of doubt that the San Francisco school board had a perfect legal right to do this. In Roberts *v.* City of Boston (5 Cushing, 198) it appeared that 160 primary schools were maintained in that city, and of this number two were devoted to the exclusive use of colored children and the balance to the exclusive use of white children. The opinion of the court, delivered by Chief Justice Shaw, held this to be legal and proper. Ward *v.* Flood, 48 Cal., 36, was an exactly similar case. The court approves the doctrine of the case of Roberts *v.* City of Boston, and holds that the exclusion of the colored children from the white schools was legal and proper. In State *v.* McCann (21 Ohio St., 198) it appeared that a colored school had been established, organized out of several adjoining districts for colored children, and they were excluded from the schools attended by white children. Action was brought to compel the admission of these colored children to the white schools. This application was denied and the court in its opinion uses this language:

> The plaintiff, then, can not claim that his privileges are abridged on the ground of inequality of school advantages for his children. Nor can he dictate where his children shall be instructed, or what teacher shall perform that office, without obtaining privileges not enjoyed by white citizens. Equality of rights does not involve the necessity of educating white and colored persons in the same school any more than it does that of educating children of both sexes in the same school.

The same doctrine is held in People ex rel. King *v.* Gallagher (93 New York, 438). The decisions of practically all the courts of the land down to the present time on this subject are in harmony with these principles.

It being, therefore, perfectly legal and proper for California and San Francisco to do just what has been done in the way of segregation of its native-born children of oriental descent, will it be claimed that the subjects of Japan have a right to education in white schools in defiance of the laws of California and the ordinance of San Francisco, which are binding upon native American citizens of oriental blood?

If it shall be decided that Japanese children have this right under the treaty, such decision would have far-reaching effects. For example, here in Washington the colored children are segregated and taught in separate schools, and are not allowed to attend the schools maintained for white children exclusively. There is in our treaty with Great Britain a provision very similar to the one I have quoted from the treaty with Japan. If Japan and her friends are correct in their claim, the colored subjects of Great Britain from Jamaica or the Bermudas could come to Washington and insist upon attending the white schools here in spite of the school authorities of the District, or even of the Congress of the United States itself. A subject of Great Britain of Chinese descent from Hongkong could come to San Francisco and, refusing to attend the oriental school provided for him, could enlist the Federal Government, if necessary, to

compel the white schools of that city to receive and teach him in defiance of the local authorities.

But the treaty clearly does not undertake to grant such right. The gentleman from Vermont admits that never in the history of our diplomacy has the treaty-making power undertaken to give to aliens rights above those enjoyed by our own citizens. I think it may confidently be asserted that the treaty-making power of the United States has never intended to make and has never made a treaty with Japan under which a citizen of Japan, on becoming a temporary resident of this country, by that act acquires the right to dictate to an American city how its public schools shall be run. If the treaty-making power should ever drift so far from our traditions and the popular conceptions of the powers of the Federal Government as to make such a treaty, I hope, for the sake of the right of local self-government, justly dear to the American people and jealously guarded by the citizens of all sections, that the courts would hold it, like a statute undertaking to accomplish the same result, unconstitutional, and therefore void.

Since San Francisco and California in this Japanese school matter have only followed established and long-approved precedents, wherefore all this denunciation and abuse? Of what crime is California guilty to deserve the threat of the President of the United States to send against her people the armed forces of the United States? Mr. Chairman, she is guilty of desiring to remain American. Her sole offense is that she is strong in the determination to maintain within her borders the civilization of the Caucasian race. Her only crime is that she is trying to go forward with the working out of the national and social and moral ideals of our fathers and is sending out a strong cry against the orientalizing of the Pacific coast by the sons of Nippon or by any other Asiatic immigrants.

The people of California feel no hatred of Japan as a nation nor of the Japanese coolies who have been lately coming to their State in large numbers. As a Representative of California upon this floor I hesitate to say words that might be thought unkind by our Japanese friends. But the people of California know that the ideals of most of the Japanese who have come among them are not American ideals; their ways are not our ways. Theirs is a race different and distinct from ours; very different physically, with a different religion, entirely different traditions reaching back for centuries, different ideas of the family life; and in many ways their viewpoint is totally different from ours. Any attempt to amalgamate these Japanese coolies with our stock would give rise to race problems more difficult of solution than our brothers of the South are now trying to solve. Although the Japanese have been coming to California in numbers for about seven years, there is yet no sign of the establishment of any social relations between them and any element of our population, and I feel sure from what I know of the Japanese character that no matter how long they stay, or whether born on our soil or in Japan, they will continue alien and distinctively Japanese and not American. The leopard can not change his spots. The Creator made the two races different, and different they will remain. I am aware that there is the highest authority for asserting that "God hath made of one blood all the nations of the earth," and the same high authority has intimated

that it is a good and pleasant thing for brethren to dwell together in unity, but there is not a single example in history of two peoples, racially widely different, living together in peace, unless one race was subject to the other or the two races were amalgamated. Under our form of government one race can not live in legal subjection to the other, and I think all students of the subject agree that the Japanese can not be assimilated.

In discussing Japanese immigration in California appeals to selfish interests and commercial considerations are most often heard. But this question should be settled upon higher grounds than these. In the light of our experience of the last hundred years, if the negro inhabitants of this country numbered only 100,000, confined to two or three States along the Atlantic seaboard, would we welcome the coming from Africa of large numbers of colored immigrants until they reached a total of millions? I believe that nearly every thinking American will answer this question in the negative. Yet this supposititious case is exactly parallel with the conditions now existing on the Pacific coast in Japanese immigration. With the race problem of the South before them it seems clear that the people of the United States should steadfastly exclude from permanent residence and citizenship in large numbers any race which can not be readily amalgamated with our own stock. But even if assimilation of the Japanese coming to this country would take place easily and rapidly, is such assimilation desirable? What strength or grace of body or mind not already possessed by our people could this totally dissimilar race bring to us? They are certainly much inferior to us physically, and there is the highest scientific authority for claiming that such assimilation would bring only evil. In this connection I beg to quote Herbert Spencer. In his famous letter to Baron Kaneko Kentaro, Mr. Spencer said:

> To your remaining question respecting the intermarriage of foreigners and Japanese, which you say is "now very much agitated among our scholars and politicians," and which you say is "one of the most difficult problems," my reply is that, as rationally answered, there is no difficulty at all. *It should be positively forbidden.* It is not at root a question of social philosophy. It is at root a question of biology. There is abundant proof, alike furnished by the intermarriage of human races and by the interbreeding of animals, that, when the varieties mingled diverge beyond a certain slight degree, the result is inevitably a bad one in the long run. I have myself been in the habit of looking at the evidence bearing on this matter for many years past, and my conviction is based on numerous facts derived from numerous sources. This conviction I have within the last half hour verified, for I happen to be staying in the country with a gentleman who is well known and has had much experience respecting the interbreeding of cattle; and he has just, on inquiry, fully confirmed my belief that when, say, of the different varieties of sheep, there is an interbreeding of those which are widely unlike, the result, especially in the second generation, is a bad one—there arises an incalculable mixture of traits and what may be called a chaotic constitution. And the same thing happens among human beings—the Eurasians in India, the half-breed in America show this. The physiological basis of this experience appears to be that any one variety of creature in course of many generations acquires a certain constitutional adaption to its peculiar form of life, and every other variety similarly acquires its own special adaption. The consequence is that, if you mix the constitutions of two widely divergent varieties which have severally become adapted to widely divergent modes of life, you get a constitution which is adapted to the mode of life of neither—a constitution which will not work properly, because it is not fitted for any set of conditions whatever. *By all means, therefore, peremptorily interdict marriages of Japanese with foreigners.*
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> I have for the reasons indicated entirely approved of the regulations which have been established in America for restraining Chinese

immigration, and had I the power I would restrict them to the smallest possible amount, my reasons for this decision being that one of two things must happen. If the Chinese are allowed to settle extensively in America they must either, if they remain nonmixed, form a subjective race standing in the position, if not of slaves, yet of a class approaching slaves; or, if they mix, they must form a bad hybrid. In either case, supposing the immigration to be large, immense social mischief must arise and eventually social disorganization. The same thing would happen if there should be any considerable mixture of European or American races with the Japanese.

I quote also from another high authority, Pouchet. He says:

If we have endeavored to prove that the hybrids of distant races do not possess all the necessary conditions of animal life and of propagation, it would be easy to find numerous proofs in order to show that generally the intellectual conditions of hybrids are not much more satisfactory than their physical condition.

Doctor Tschudi says, in speaking of the Zambos (hybrids from the aborigines and negroes at Lima):

"As men they are greatly inferior to the pure races, and as members of society they are the worst class of citizens; they alone furnish four-fifths of the criminals in the prisons of Lima.

"Mr. E. G. Squier has made the same observation about the Zambos of Nicaragua. In his part of the country the union of Spaniards with these same Americans seems to have only produced degenerate men, who show no capacity whatsoever for perfection."

According to these scientific lights, then, there are already too many mongrels in the world. Why should the United States consent to add to the stock by permitting a possible mixture of totally different races in the States on the Pacific slope?

Attempts have been made in a portion of the eastern press in this country to throw discredit upon the authoritative statement of Herbert Spencer, which I have just quoted, by showing that in this same letter Mr. Spencer took just as positive grounds upon other questions—questions of statesmanship and public policy then agitating the minds of the public men of Japan—which were entirely untenable and which experience has demonstrated to have been wholly wrong. The fact that Mr. Spencer made the mistake of leaving the subject of biology, in the study of which and kindred subjects he had spent his life, and going into other fields to speak with authority upon subjects about which he knew little or nothing should not be allowed to throw discredit upon his statement concerning a scientific matter upon which he was then the greatest living authority. He made the same mistake that some of our eminent American public men have recently been making by joining in condemnation of the sentiments of the people of California as wholly unworthy, and discussing with learned dogmatism Japanese immigration when they have never seen a Japanese coolie in their lives and have no practical knowledge of the subject whatever.

According to the bureau of labor statistics of California, last year the arrivals of Japanese at the port of San Francisco alone, in excess of departures, numbered nearly 1,000 per month. This takes no account of the arrivals at other ports of the United States, nor of those who come in over the borders from Canada and Mexico. This year this net increase promises to be much more, and a high authority estimates that there are now 50,000 Japanese in California—nearly all male wage-earners. And yet many people in the East do not understand nor sympathize with the alarm with which the people of California view this increasing immigration. Members of this House have recently said to me, "Ten or fifteen thousand per year! That is

nothing to cause alarm. Why, we are getting a million aliens a year from Europe over here in the East and think nothing of it." I beg to remind these gentlemen that we have in California about 2,000,000 people, one-fortieth of the population of the United States. Multiply 10,000 or 15,000, the number of yearly Japanese accessions to our population, by forty, and you have 400,000 to 600,000. Do these gentlemen suppose that if 400,000 to 600,000 Japanese coolies were annually landing in New York and spreading themselves over the States of the East, and this immigration was rapidly increasing, there would be no alarm and no protest by the people? I dare assert that as soon as the people east of the Rocky Mountains became acquainted by practical experience with the character of this immigration, and what its continued increase meant to our country, there would be an insistent demand for immediate exclusion legislation which would not be denied. But we are away off on the western rim of the continent, and our cry is small and faint, and the rest of the country is slow to hear and to heed.

But our alarm is not based alone on theory. At our very doors, in the Territory of Hawaii, we have an object lesson. By looking at the conditions there we can see what the Pacific coast is destined to become if the present temper of the Federal Government continues. Thirty years ago there were no Japanese worth mentioning in the Territory of Hawaii, yet to-day they are a majority of all the inhabitants of the islands. Doctor Neill, of the Bureau of Commerce and Labor, has recently compiled a very interesting report on conditions in Hawaii, which has been issued by the Department as Bulletin No. 66. This report shows that the Japanese, with the few Chinese and Koreans now in the islands, are doing 85 per cent of the plantation work and 75 per cent of the work in all other occupations, skilled and unskilled. American skilled labor will soon be driven from the islands, and unless conditions change the labor of the islands will finally be wholly monopolized by the Japanese. They have invaded all avocations there. Many of them are contractors, and 75 per cent of the merchants and traders of the islands are orientals. All that seems to remain to be done to make these islands a Japanese colony is to pull down the Stars and Stripes and hoist the flag of Japan.

The people of the Pacific coast are firm in the conviction that, unless the result is prevented by legislation, the Pacific coast in the next twenty-five years will certainly become as completely orientalized as Hawaii has been. Their conviction is based not wholly upon shadowy fears, nor even upon the experience of Hawaii, but they see this orientalizing process well on the way in parts of California. In the Vaca Valley, for example, from which has come for many years the earliest California fruits, this orientalizing process is well advanced toward completion. Only a few years ago the Japanese came in as laborers in the orchards, later they began to lease and then to buy the orchards, until now one-half the orchards of the fair Vaca Valley are owned or leased by Japanese. Five Japanese own orchards of some 200 acres and many others smaller amounts. The presence of Japanese in any numbers in any community brings the Japanese shopkeeper and trader, the Japanese banker, shoemaker, and Japanese engaged in every form of human employ-

ment, and these Japanese business houses get the trade of their countrymen to the exclusion of the white stores.

In Antioch I am advised that truck farming on the Tule lands is rapidly going through the same transformation, and in the raisin-growing districts of Fresno County it is already beginning. In that county one Japanese owns 320 acres of vineyard, another 160 acres, and others smaller amounts. Our people know that as the Jap already has the Vaca Valley so in a short time he will take the Antioch district and the Fresno region, as well as any other district that he chooses to invade.

The causes of these rapid and peaceful commercial conquests are several. In the first place, most Americans do not care to live in a neighborhood where a large percentage of the population is Japanese. They sell or lease their orchards or property at the best price they can get from Japanese or anyone else, and get out. The same thing takes place in San Francisco. When a crowd of Japanese rent a house in the residence portion of that city at once there is a great fall in the price of real estate—in some cases as much as 50 per cent—and an exodus from the neighborhood begins.

But the chief cause for these rapid Japanese conquests is the fact that white labor can not compete with oriental, and especially with Japanese labor. Accustomed to live on a little rice and dried fish, to sleep on a board, and to do with very few of the comforts of life, no white man can hope to hold the field against him. We pass high-tariff laws to protect the American laborer against the products of cheap foreign labor. We Republicans have promised to protect him from this cheap labor. Shall we "keep this promise to the ear and break it to the hope" by permitting, not the products, but the cheapest laborers themselves to come and compete with him at his own door, under the very shadow of his home?

Accustomed at home to labor for a few cents a day, our wages in California seem to the Jap fabulously princely, and it is no wonder that he is eager to reach that land of promise. He is shrewd enough to get as much for his labor as he can, but when he invades a field he cuts under the ruling white wages enough to get the business. Thus the Jap has come to monopolize the labor of the fruit industry of the Vaca Valley, the seed industry of Santa Clara County, and the berry fields and orchards of Watsonville, and thus they will come to monopolize the labor of the Pacific coast, unless their coming be prevented in some way.

Some employers of labor are at first induced to employ Japanese by the temptation of securing cheap labor. But once in possession of the field they cease to be cheap, and no labor union ever was more despotic in its demands than a company of Japanese laborers secure in the possession of a particular field from which they have driven competition. Ask the planters of Hawaii if what I am saying is not true.

The Japanese contractor employs his countrymen at first almost at his own price. He boards his men in his shack at a total expense of $5 or $6 per month, and many of these coolies are in virtual slavery to pay for their passage across the Pacific and have little or nothing to say about what their wages shall be. Thus equipped, he starts, as he started in Hawaii, in a California city or town to get business. He will soon be enabled to drive the white contractor out of business or compel him to employ Japanese help. The same thing is true of the Japanese orchard-

ist and truck farmer. He can make all kinds of money selling his product at prices that drive the American employing white labor to the wall. And so, unless arrested by legislation, the process of transforming the Pacific coast from an American into an oriental habitation will go on to its inevitable conclusion. What remedy does the Pacific coast propose for the correction of these present and future evils? We ask that the Chinese-exclusion act shall be extended to embrace Japanese and all other Asiatic laborers. The Asiatic coolie is the key to the situation. On the laborer as a foundation rests the oriental industrial structure, just as the industrial structure everywhere rests upon labor. Exclude the laborer and every other condition to which we object will correct itself.

Nearly one year ago in discussing this subject upon this floor my friend from Pennsylvania [Mr. BUTLER] expressed the fear that if we should pass such legislation as the Pacific coast is asking we would have trouble, perhaps war, with Japan. Why should trouble come? The treaty of 1894 provides for such legislation. The provisions of the Chinese-exclusion act could be extended to embrace Japanese laborers without violating either in letter or spirit our treaty with Japan. The last paragraph of Article II of that treaty reads as follows:

> It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

But how is Japan observing the terms of this treaty, under which she is demanding such extraordinary rights and privileges? Americans are not allowed to enter the schools of Japan. They are not allowed to own real estate or engage in mining there. If the business of an American resident of Japan requires him to own real property, he can not purchase or hold it except in the name of some Japanese subject. Should an American laborer go to Japan, he would not be allowed to work unless he procured a license from the prefecture of the district where he was residing. This license would, of course, not be granted if the job he was seeking was wanted by any Japanese laborer. These things I am stating on the authority of a distinguished Japanese lawyer who delivered an address recently before the American Bar Association at Saratoga, N. Y. I am also advised by those who have lived in Japan and speak from experience that Americans in Japan are obliged to pay double the taxes that are assessed against natives. If they wish to attend the theater and the price of a ticket to a native would be 60 sen, the American will be forced to pay 200 sen, and in other things it is the same. Besides these things, the ways in which the Japanese undertake to drive out of Japan any American who embarks in business there are most exasperating.

I have here a letter from a gentleman now living in New York which shows more in detail how this is done. He writes as follows:

> NOS. 140 AND 142 PEARL STREET, NEW YORK, N. Y.,
> *December 13, 1906.*
>
> Hon. E. A. HAYES,
> *Member of Congress Fifth Congressional District of California,*
> *House of Representatives, Washington. D. C.*
>
> DEAR SIR: Your favor of the 8th duly reached me, and before replying I wished to secure, as requested, the name of an authority on

Japanese laws and their bearing on foreigners under the treaties. The following, "A digest written for the international committee of Yokohama," by Dr. L. Lonholm, will give you particulars:

The treaty may read nice to people on this side who have never been to Japan and have never traded with the Japanese, but there are so many differences between what the United States allows a Japanese when here and what the Japanese Government allows an American in Japan it makes one disgusted and anxious to quit doing anything or having anything to do with Japan or the Japanese.

There is a law in Japan forbidding the transfer of land to foreigners, and under the new treaties foreigners are not entitled to own land. Foreigners can own buildings. The land on which such buildings stand may be held by the foreigners under either a lease or a superficies. Americans can not practice law in Japan or become a printer, editor, or publisher of a newspaper. Americans can not engage in mining in Japan.

While the treaty apparently gives an American the same rights as a Japanese, you will note that the Japanese were shrewd enough not to mention in the treaty that they had already passed *imperative* laws which no treaty could abrogate unless mentioned in the treaty.

My idea is that this time the Japs know they have made a mistake, as they never dreamed of a refusal, and supposed by making a big noise California would at once apologize and open its schools. Japan never expected the final turn down and the subsequent events, knowing full well that an investigation of the treaty will expose the one-sided affair it is.

Some years ago the Japanese Government began paying a subsidy to the Japanese Tea Guild, the object being to drive out the American tea men. The subsidy was paid under the name of a sum to be used to advertise the good qualities of Japan teas and thus add to their consumption. This was unnecessary, as the United States and Canada bought and consumed all the leaf Japan could sell for export. Shortly after the Japanese Government began paying the money Japanese began opening up tea offices in New York, Chicago, and other points, and native tea-firing plants began to operate in the interior tea-growing points of Japan. It then developed that the rents and expenses of the different tea offices in the United States were being paid out of the money paid by the Japanese Government; also that the native tea-firing hongs were being paid 50 yen for every firing pan they put up. It was even bragged of by the Japs in New York that they would soon drive the Americans out of the trade, as they were being backed by their Government.

The writer brought the whole matter up with the State Department, and the Japanese Government agreed to cease paying the subsidy, but, as usual, lied and paid it. On again bringing the matter up the Japanese evidently told the State Department to mind its own business; at least, from the letter I received from the State Department, I inferred as much and ceased trying to get protection. My contention was that the Japanese bounty was an export bounty and that teas on which that bounty was paid should, according to the Dingley tariff, pay an import duty equal to the export duty.

I will be pleased at any time to give you any further particulars, and trust you will never allow a Jap in your public schools, although I believe most of the States in the East, from ignorance of the Jap, would make no objection.

Yours, very truly, ——— ———.

It seems to one of the most humble members of this coordinate branch of the Government that our most distinguished Secretary of State could not be better employed than in striving to secure for American citizens in Japan those rights guaranteed to them by the treaty, but which they are nevertheless denied.

Mr. Chairman, the people of California have one of the fairest spots on all the earth. It is their home, and they love it. They are Americans, and they are here asking Americans to so legislate as to protect them from an insidious conquest of orientals, which, unless prevented by law, will overwhelm them, destroying or rendering wholly uncongenial the homes which they fondly hope to hand down to their children with all the holy influences around them that now pervade the American home. [Prolonged applause.]

O

"Hew to the line, let the chips fall where they may."

SPEECH

—OF—

Hon. Creed Haymond,

PEOPLE'S INDEPENDENT NOMINEE

FOR

STATE SENATOR,

DELIVERED AT SACRAMENTO,

ON SATURDAY EVENING, AUG. 14, 1875.

Phonographically Reported by WIN. J. DAVIS.

SACRAMENTO:
GARDINER & LARKIN, BOOK AND JOB PRINTERS, COR. THIRD AND J.
1875.

On being introduced by the President of the meeting, Major W. E. McArthur, three cheers were proposed and heartily given for Mr. Haymond, after which he said:

Mr. President, Ladies, and Gentlemen:—I thank you in the name of the Independent party for this magnificent demonstration to-night. Sacramento must indeed be prosperous when she can give us such a meeting and yet loan 200 or 300 Independents to hold a meeting down the street. [Laughter.] I am pleased, too, that the ladies of Sacramento have honored us with their presence to-night. Wherever brave men are battling for the right, the smiles of the fair sex should be there to cheer them on. [Applause.] Our duty may lie in one line; theirs in another. A great poet has truly said that

> Man is the lofty, rugged pine
> That frowns o'er many a wave-beat shore;
> Woman, the graceful, slender vine,
> Whose curling tendrils around him twine
> And gently deck his rough bark sweetly o'er.

[Applause.]

In the opening of this campaign it was my fortune to speak to the people of this city, and in that speech to present in calm and temperate language the reasons that impelled me to give my support to the Independent party.

I presented what I believed to be the facts, and from these facts drew certain conclusions.

THE CENTENNIAL YEAR—THE YEAR OF PEACE.

I thought in this, the centennial year of the nation's birth, that the war, which was but the outflashing of that irrepressible conflict which was to determine whether the nation should exist half free and half slave, ought to be remembered only for the great lessons it taught; that the bitter animosities of the strife should be buried with the ashes of its soldiers and its heroes. I believed, as I now believe, that the country demands peace—that peace which shall bring to industry its reward and to the land prosperity.

THE TWO OLD PARTIES.

On the one side, the radical element in the Republican party was delving in the grave of the past—bringing forth from the charnel house of time an element that ought not to be a factor in the contests of the great present. On the other side, a few men were advocating the opening of questions which had been solved by the sword upon the bloody field of battle, and had been determined against them in a court whose decrees are as final as the judgments of God.

REPUBLICAN PATRIOTISM.

When the great masses of the Republican party, a party whose record was written in a thousand bullets, could give their passions to the winds and stand for the whole country, it would ill become me to waste my life and influence in perpetuing the recollections of a strife in which brothers in blood had been arrayed in hostile ranks. When the Republicans were willing to stand on ground that all could occupy, I would have been wanting alike in common sense and patriotism if my arm had been raised to repel their friendly advances.

BOURBON DEMOCRACY.

The Democratic party nominated its State ticket. The element in that party which never learns, never forgets and never forgives, controlled the nominations, and the personel of that ticket gave assurances that the war was to be fought over again. The arm of the Sargents and Gorhams of the Republican party was to be strengthened. As plain as if graved in letters of light stood out from the portals of the convention the warning words, "Let all who enter here leave hope for their country behind."

The campaign which has been conducted in behalf of that ticket has but too well confirmed the evil omens that were present at its birth. The party has been weakened, and the radical Republican party strengthened, and the signs of the times indicate that, were the canvass extended thirty days beyond the allotted time, the contest would be between Bidwell and Phelps. The day before the campaign opened in this city, and I appeal to you if this be not so, Mr. Irwin would have received five hundred Republican votes in this county. A single speech wrecked the hopes of his party, and divided the five hundred votes between the Independent and Republican parties.

ISSUES HAVE NOT BEEN MET.

Have the speakers on the Democratic side met the issues made, or answered the arguments advanced against them? I will make this personal, for in their blind anger their arms have been turned upon myself. Perhaps arms is not the proper word; they have not drawn the sword of a Bayard, but used the knife of the assassin. I charged that the leaders, who now are pretending to be in favor of regulating freights and fares, had at the last session of the Legislature defeated every movement to that end, and had prevented any legislation looking to a settlement of the questions at issue between the people and corporations. This charge was not made in general terms, but specifications were given.

NO CHARGE ANSWERED.

I ask to-night if they have answered one single one of the charges that I made against them? Not one. I charged in the beginning that when the Committee on Corporations met to deliberate upon the people's rights, that they locked themselves up in a room, with the President of the leading corporation of the State, and that they locked the people out. Has any man dared to deny that charge? No, nor no man will dare to deny it. Was that the act of faithful men, of men truly in the interest of this or any other people? What do men go into dark rooms and lock themselves up for, if their acts are to be those acts that can be exhibited in the sunlight of our heavens?

I charged that they were responsible for the defeat of the Freeman Bill. I did not say whether that bill was good or bad. Mr. Irwin urges but one objection, as I understand it, to that bill, and that is that it would raise fares and freights on long distances. Yet when an amendment was introduced to that bill which provided that at no place on the line of the road should any charge for fares and freight be higher than they were on the first day of January, 1874, yet, when that amendment was offered, which would have obviated every objection to the bill, Mr. William Irwin voted "No" upon that amendment. Has any man denied this charge, or does any man in his interest or out of his interest, dare to deny it?

Again I charged that William Irwin, pretending to legislate for this people, had made section 5 of his bill to read about as follows: "Any man who buys a railroad ticket and gives it to his wife, or his daughter, or his son, shall go to the county jail for six months, and be fined $500." The gentleman did attempt to deny that charge, but we found the original bill in the office of the Secretary of State, with that section in it, and the interlineations and erasures were in the handwriting of Mr. Irwin, and he has not attempted to deny that charge since.

I charged upon these men that they made the railroad legislation the special order for 9 o'clock and 35 minutes on Saturday when the session of the Legislature expired by constitutional limitation at midnight, on the Monday following. I charged that they passed that bill at 11 o'clock P. M., and after the Assembly had adjourned. Mr. Irwin and Mr. Farley were both good parliamentarians, and both knew that a bill going from the Senate to the Assembly on the last day of the session could only be passed by the consent of every member of the Assembly. Has any man denied these facts?

I charged that John McMurry, the Senator from Trinity, and as honest a man as ever breathed, denounced the bill in their very presence as treason to the people, and that no man dared to join issue with him. [Applause.] Has any man denied that? Does any man dare to deny it? And yet they say we slander them! I charged that the Assembly of California passed a bill to the effect that if a man bought a ticket and paid his hard earned dollars for it to ride from here to San Francisco, and gets off to-day at Galt, that to-morrow he might go on. Is there anything unfair in that? And I charged that Mr. Wm. Irwin stuck that bill in his little, old striped Democratic pocket. [Laughter.] Has any man dared to deny that charge? And yet, I am a villifier of Mr. Irwin. I charged that the Assembly of California passed a bill to prevent discriminations in freight by the carload, that is to say, that the cars should be delivered to persons in the order in which they called for them for the shipment of grain and other freight. And I charged that that bill died at the hands of these men. Has any man denied that charge, or does any man deny it? I charged that George Williams, of El Dorado, a Democrat, and a faithful and honest man, introduced a bill, which was intended to prevent the people of this city from being threatened by this company; and that that bill passed the Assembly, and also found its grave in the Senate Committee. Has any man dared to deny that charge? And yet we slander these gentlemen.

I charged that the Circuit Court of the United States for California had enjoined the Tax Collector of this county, and of San Joaquin, and of Nevada, and of Placer, and of Santa Clara, from collecting a dollar of taxes from the Railroad Company in a certain year. I charged that the Circuit Court decided that when the Assessor, Mr. Dray, went to assess a railroad he should not ask how much is this property worth, but that he should compute the value as follows: He should go there and say, "How much are the old rails worth, if they are to be taken up; how much are these rotten ties worth, if they are to be taken up and sold for some other purpose; how much per acre is the land that they have their cuts, embankments and tunnels through worth for agricultural purposes?" As if to say that the Assessor when he assesses the Golden Eagle Hotel shall not ask what that property is worth, but how much the old brick would be worth if it was torn down; and how much the broken doors and the broken windows would be worth. I charged that that decision was not just upon the honest tax-payers of this State. A bill was introduced into the Assemby of California, and was passed, requiring the Governor to appeal the case, and giving him the authority to carry it to the Supreme Court of the United States. I charged that Mr. Irwin voted against that bill, and contributed to its defeat. Then Mr. Gilmore, of El Dorado, again introduced the bill, and it was passed and went to the Senate, and that again it was defeated. [Applause.]

THE DEMOCRATIC LEADERS AND SUBSIDIES.

I charged that these men, in their very platform, indorsed subsidies, and I proved it on them. They say they stand by their record on that question, and their record is subsidy all through. Has any man dared to deny that charge, or does any man dare to deny it now? These things are truths fixed, and from them there is no escape. And yet I, who warn this people against these men upon their own record, am a villifier.

IRWIN AND IRRIGATION.

Again, this Democratic platform I charged contains a clause in favor of irrigation, and in favor of the very bill which Newton Booth approved and recommended to the Assembly, and which that body passed. And yet Mr. William Irwin and these very same men who are now indorsing irrigation defeated the bill, and but for their action, to-day the waters of the State would be saved to the people of the State of California. I charged that Philip Roach, one of the ablest Democrats in the Senate, and an honest man, had said that he had always been opposed to monopolies; that the monopolization of water was one of the worst kind of monopolies; that a bill which gives to the people of the State the right to control their own waters was in the interest of the people, and that he would vote for it. I charged that Philip Roach was defeated for Governor—the man that was in favor of irrigation—and that William Irwin, the man who was opposed to it, was nominated. Has any man denied these facts, and does any man dare to deny them now?

REMOVAL OF STATE CAPITAL.

I charged that the so-called Democratic party, by the very acts of the delegates from this county, and by the action of James T. Farley, were responsible for the opposition to the constitutional amendment which declared that the Capital of this State should not be removed from Sacramento, except on a vote of the whole people of the State. [Applause.] Has any man denied this charge? Dare any man to deny it? And yet this gentleman travels all the way from Amador and tells you that he is in favor of having the Capital in Sacramento. Why, then, was he not in favor of that amendment which fixed it here, and which did not leave it in the power

of any irresponsible Senate and Assembly to hold this threat over this people for all time to come? [Applause.]

I charged that these people were pledged that they would reduce the salaries of State officers. I charged that they knew that the Constitution prohibits them from doing it during the next four years.

REDUCTION OF SALARIES.

I charged that the Assembly passed a bill which did reduce the salaries $60,000 per annum, which would take effect upon the incoming State officers, and that also Democratic and Republican members of the Senate defeated that bill, when they knew that no bill of that kind could pass the next Legislature and take effect upon the then State officers. Has any man denied this charge? Dare any man deny it now? And yet I am a vilifier.

BECK AND IRWIN AGAINST FOLSOM PRISON.

I charged that both Mr. Beck and Mr. Irwin voted against establishing the Branch State Prison at Folsom; that they were opposed to it, and that they did oppose it in every shape in which it would come up. Has any man dared to deny this charge?

REMOVAL OF SUPREME COURT.

I charged that William Irwin and Thomas Beck were the responsible actors in removing the Supreme Court from this city, and yet the people of this city are asked to support that ticket and to repudiate the men who voted to keep the Court here, and who were ever ruled by these very men who are now seeking your votes. Does anybody dare to deny this charge? And yet I am a falsifier of these men's records.

HOW CHARGES HAVE BEEN MET.

Now I will ask you how they have met these charges. From these charges I drew the conclusion—what? I drew a conclusion, and it follows with the same certainty, if you admit the fact, as night follows the day, that these men had agreed that there should be no railroad legislation in the last session of the Legislature. Has any man dared even to deny that conclusion? Why I could convict a man of murder upon circumstantial evidence weaker than that. If I could not do it Charley Jones can; but that ain't saying much, because he convicts everybody now. [Applause.] I looked with a great deal of anxiety to see some explanation of these matters, and at last I found that the great Ringmaster of that Democratic Railroad Circus was coming here to make a speech—Mr. Farley, the man who nominated or indorsed the nomination of every single man on that State ticket; the man who ruled that Convention as absolutely as Gorham ruled the Republican Convention. He came here. I hoped he would meet these charges and give us some explanation, but if a stranger had strayed into that hall where the few disconsolated Democrats were gathered, to hear their *great* leader speak, he would have thought that the only issue now agitating the minds of the people of America was the great vital living issue, as to whether negroes and white men should be buried in the same church-yard. [Laughter.]

FARLEY AS A LEADER.

Ask me to follow the leadership of such a man as that, who has no more appreciation of the great issues that are upon this country than to talk about such things. Why that rules my friend Green Curtis out of the Democratic party. He buried a Chinaman out here and built a monument over him. [Laughter and applause.] It turns my friend Callahan out of the party because when his faithful, honest negro boy died, he, like a man, buried him in his own lot. [Applause.] Are not those beautiful things for statesmen to be talking about? Are not you, Democrats, who have been talking about my leaving the old party ashamed of yourselves? [Applause.] How did he attempt to meet these charges? I charged that they had to carry a dying man into the Senate to keep these men from passing a Railroad Bill over Governor Haight's veto. Why, he says, "True, I voted against his veto on one bill, but on the very same day I voted to sustain his veto on another." Brilliant statesmanship! most remarkable leader! that on the same day votes two ways on the same great, important and vital question! I will tell you the secret of those two votes, and Mr. Farley can not deny it. On the railroad veto, that was carried by Burnett's vote, the ayes and noes were counted, and it was known who the men were that were going to vote against that veto. It was not believed that Mr. Burnett could be taken to the Senate Chamber, and Mr. Farley was committed to be one of the twenty-seven to pass that bill, and when he pledged himself to vote for it, he thought his vote would carry it, and he dared not go back; but when the other bill came up there were but five or six men who were in favor of sustaining the veto, and of course Mr. Farley did not show his hand. He has not shown it now, and that is the explanation of his vote.

PACHECO AND RAILROAD SUBSIDIES.

Says my friend Ryland, who is an excellent gentleman, "How can Mr. Haymond go for Mr. Pacheco? He voted against the vetoes. Why ain't he in the same boat?" This is a slander that has been uttered against Governor Pacheco for years by second-class politicians who never know what they are talking about. Mr. Ryland, perhaps, has been misled. Romualdo Pacheco was elected Senator from the county of San Luis Obispo upon a platform which was in favor of subsidy. He pledged every man in his District from the stump that if elected he would vote for these railroad subsidies. The Republican party was not committed against them; but Mr. Farley wrote down here to the Sacramento Union and begged its support. He was willing to go with the Republicans then because he was a faithful anti-subsidy man. Now, when Mr. Pacheco voted against the veto, he kept his pledge to his people as an honest man; and when Mr. Farley voted to override that veto, he was acting against the policy of the party. It is the difference between the sunlight of heaven and the darkness of the eternal night—one keeps his pledge and they say "Lo! how can Mr. Haymond stand with a man that has kept his faith with the people." [Applause.]

FARLEY'S BRAVERY.

Mr. Farley is a brave man. He comes up here—and I want to get his exact words—and he says, "The man who says that I entered into a contract with the railroad company to legis-

late for their interest is"—something that he may not utter in the presence of ladies; I do not propose to repeat it. [Applause.] No man had ever made such a charge against Mr. Farley. I charged these specific facts. Did he deny any of them? The conclusion which I drew from them was not that he had agreed to legislate for the railroad company, but that he had agreed that there should not be any legislation at all. One half the people in this community take that for a denial of these charges. He denied none of them. Then, again, Mr. Farley puts speeches into my mouth, and he answers them. He says "Mr. Haymond says 'the Democratic party is corrupt.'" He knew that I had never said it. I say the Democratic party is as pure as light itself, and that is why his men are not going to be elected. They may sell themselves for gold, but they cannot sell that grand old party for their profit, and that is the trouble. I charged that the leaders of that party are corrupt, and that they had betrayed it, and I proved those charges, and I was making them because I believed the Democratic party was honest, and was with us; and I know they are, too. [Applause.]

FARLEY MAKES A MISTAKE.

Mr. Farley comes along with another—we will call it a mistake—upon his lips, and he says "Haymond has drawn $40,000 from the State Treasury." He knew that was not so when he uttered it, and if I did I drew whatever I did for a just and honest purpose, and for every dollar I ever received, and I will come to that after a while, I gave to the State of California more money than Mr. Farley will ever be worth to it. [Laughter and Applause.]

RYLAND.

My friend Ryland, who is a most estimable gentleman, comes here and tells us that we are making war on the Catholic Church. That is a charge on one side. Who is making any such war but the men that defeated him in that Democratic convention because he believed that religion was right—and he does believe it. They are the men who are making that war, and that is the first convention that ever assembled in California in which it was asked of what religion is he. It was in the Democratic convention this question was asked. [Applause.]

IS SACRAMENTO COUNTY TO CHOOSE A SENATOR?

It seems I was laboring under the fond delusion, when I consented, with great reluctance, at the request of many of the best people of this county to become the candidate for the Senate. I consented, I say, with great reluctance, because I knew that any man who dared to stand for the people would be assailed by every yelping cur throughout the land, and I could not kick them all. [Laughter.] I was laboring under the delusion that under the constitution the people of Sacramento County were entitled to choose a Senator, but Mr. Ryland comes here from Santa Clara and asks you not to choose Mr. Haymond. Outsiders are mixing in our fight. We were getting along here quietly and decently until these "scallawags and carpet-baggers" came here. That is a vulgar phrase. [Laughter and applause.] Gentlemen, that is a quotation; that is a quotation from Mr. Farley. I do not apply these terms to anybody myself. I say we were getting along pleasantly, and even my friend, Grove Johnson, had toned down until these "scallawags and carpet-baggers came here." I am not applying this to Mr. Ryland. He is a courteous, nice, Christian, honest gentleman, and if there is a man on earth that is going to heaven I know it is Mr. Ryland. I want to say this: that he is misled. Now he says, what? "Why support Mr. Haymond instead of Mr. Carey?" What is the matter with Mr. Ryland? He wants to get the Capital down at San Jose, and he has been working for it for the last ten years. Is he the man to take advice from as to who should be Sacramento's Senator? Moreover, he says that Mr. Carey has more interests here than his opponent. Has he? I am not the man to drag into this campaign the question as to how much a man has. I know that there are in this city men who have not got money enough to buy their morning's meal that can be trusted as faithfully with the destinies of this city as the richest man within its limits. [Applause.] This is nice talk for a so-called Democrat, isn't it? A man is not to have an office because he has not got 30,000 acres of land. We used not to talk that way when we were running the Democratic party when we went on a wagon road. It is only since they have switched it off and tied it on to a locomotive that they have talked that way. [Laughter.] Now I am not making any point on this, but Mr. Dray, the Assessor, informs me that I pay taxes on three times as much property in this county as Mr. Carey does. [Applause.] Therefore, according to Mr. Ryland's own declaration, you must vote for me, and I want you to do so. I want to make this thing unanimous. I have got more interest in this city than any other man who is a candidate for Senator. What have I got here? I have not got much property, it is true, but I have got a practice in my profession that affords me a greater income to-day than the income of any other man that is running for Senator. That I lose if this city goes down. That I lose, or I have to take the chances of getting it back if I move away from here. Why, if this city goes down, my friend Adam's cattle and my friend Carey's cattle will graze just as well on the plains of Sacramento county and the plains of Yolo county as they do now. I think I have got more interest here than any other man who is running for that office. I know that I have this much interest, that if I am elected to the Senate of California I will make as good a Senator as I can.

MISREPRESENTATIONS.

They go around the country telling that I am going to San Francisco to go into partnership with William Wirt Pendegast. Two years ago when I had wrecked my practice here in serving the public for less than one-third of what I could make at my profession, Mr. Pendegast and myself talked about going to San Francisco and starting anew. But I wanted to start here, and a generous public has sustained me until to-day; perhaps I have got a practice not second to more than ten lawyers in the city of San Francisco. But see how honest they are in saying this; they tell you in the very next breath that Mr. Wirt Pendegast is coming here to eat Creed Haymond up; [Laugher.] that I have been attacking him. I never uttered a word in my life about any man from the stand that would cause him,

or his wife, or his child a moment's pain. I spoke of Mr. Pendegast in the highest terms; I paid him as great a tribute as my humble abilities could pay to any man. He has suffered for a time for the crimes of other men. He was the best man in all that lot. Their influence led him into a path that has marred only for a time his bright prospects. To-day, the most brilliant man in the State, he is not only beaten for the Senate by the Democratic party in his district, but I understand they actually indorsed the Independent nominee in order to beat him. I say here to-night that I believe that Mr. Pendegast has been mistaken and not wrong. He is suffering for the sins of these gentlemen who are asking your votes,and while Wirt has been punished for his youthful follies, I ask you to punish these men because of their political mistakes, and political mistakes and political crimes are synonomous. [Applause.]

VAN DUZER.

A fellow by the name of Van Duzer, Van Doozle, Van Goozle, or something of the kind, has been here, too. I don't know the man. I asked a gentleman who he was, the other day, because I supposed from the report that I had read of his speech that he was a gentleman who was as great a constitutional tutional lawyer as Webster, and as fine a Judge as Chief Justice Marshall, or at least that he thought so. My friend said, "Why, yes; I know that little squirt; he has been up here and tried to get admitted to the Supreme Court three times, but they rejected him because he did not know anything about law." [Laughter.] Why, he comes up here and says that the Codes that Creed Haymond made are a failure, and a humbug. He does me too much honor in the assertion that Haymond made the Codes. They are the growth of the world's civilization, and even in their compilation others are entitled to as much, if not more, credit than he gives to me. But we will not discuss the merits of the Codes. I will read a little from the opinions of men who, until Van Duzer dawned upon the judicial world, were regarded as great jurists. Will read a little, not to prove Van Duzer's ignorance, for I would not question his ability, but only to show what little David Dudley Field and Stephen J. Field and others know. How small indeed they appear when compared with the great Van Duzer. Until a Van Duzer was given to the world it was generally admitted that it was impossible that any human labor should be beyond the reach of just criticism. Until he came much had been said for and against the Codes, but I believe that, in every instance, they received the approval of careful and competent critics.

Before their adoption, they were submitted to an Advisory Board selected by Governors Haight and Booth, consisting of Charles A. Tuttle, of Placer, and Sidney L. Johnson, of San Francisco. Mr. Tuttle, a lawyer of learning and of large practical experience—the Reporter of the decisions of our Supreme Court—was particularly qualified for the position, and gave to the discharge of his duties on the Board his undivided attention. Mr. Johnson, a ripe scholar, learned both in the civil and common law, brought to his labors a mind rich in accomplishments, exact and critical.

After a careful examination of the work, they gave it their unqualified approval and indorsement, and "heartily recommended its adoption."

The Code of Civil Procedure, Civil and Penal Codes, were submitted, before their adoption, to a joint committee of the two houses, composed of W. W. Pendegast, James T. Farley, James Van Ness, A. Comte, Jr., C. G. W. French, and F. E. Spencer, who gave to the Codes in question a full examination, and in elaborate reports their approval and indorsement. From one of their reports I read as follows:

"Your committee believe that the system of law, as embodied in the Codes prepared by the Revision Commission, is more perfect than that prepared by any other State; and it would be well for the honor of California if, by the action of the present Legislature, it should adopt this great work, thus setting an example which will be speedily followed by all her sister States, adding new laurels to the fame which she has already so justly acquired, and at once becoming, as has been remarked, not only a law-giver to the thousands within her borders, but to the millions who are to succeed them; and, by the force of her example, to not only the vast population of the whole Pacific Coast, but to the millions of citizens of other States, who will soon follow in her footsteps. Then, when the laws of all the States in this great federation are harmonious, and in sympathy with each other, California, having made the first advance toward this high aim, will be entitled to the first post of honor and the gratitude of the whole country."

When the Civil Code, the last work in the series, was placed upon its passage, Senator Tompkins, then Chairman of the Senate Judiciary Committee, and one of the ablest lawyers that ever held a seat in that body, said:

"As there will be no other opportunity, I desire to say a few words in relation to the bill now before the Senate and the work of the Commissioners, of which this is the final result. Those Senators who were here two years ago will remember that I was not an advocate of the organization of this Code Commission. Past experience had taught me to believe that it was a dangerous experiment; and that the chances were that we would have as its fruits large salaries and expenses to pay, and then an added uncertainty, rather than any definite rule, to aid us afterwards in the administration of justice in the State. Having entertained these ideas, I have watched the labors of the Commission with perhaps more interest, and certainly not with any stronger disposition to be pleased thereby, than would otherwise have been the case; and I desire now, in justice to the Commission and myself, to say that I was entirely mistaken in the ideas that I entertained in relation to the organization of the Commission, and that, on the contrary, I now believe that they have done their duty faithfully, wisely, and well, and that although there will be errors to correct (doubtless some great ones, as who could do such a work and not leave traces of human infirmity behind them?); yet, sir, I believe, as a whole, it is the greatest and best step forward that the State of California ever has taken towards a perfect system of laws; and, therefore, with as much earnestness and sincerity as two years ago I opposed this movement, I now second the motion, that the rules be suspended and the bill passed by the

Senate without further delay."

On the 19th day of March, 1872, Mr. Pendegast, in the Senate, said:

"I arise to a question which is of the nature of a question of privilege; I desire to read to the Senate, and ask leave to have it spread upon the minutes, a telegram received this morning from one of the most able and distinguished lawyers in the country, in reference to the recent adoption of the four Codes by the Legislature. The telegram is as follows:

"'NEW YORK, March 18th, 1872.

"'*To the Commissioners for the revision of the laws of California:*

"'All honor to you for your great work accomplished. It will be the boast of California that, first of English-speaking States, she set the example of written laws as a necessary complement of a written Constitution for a free people.

"'DAVID DUDLEY FIELD.'

"I ask, Mr. President, that this dispatch may be spread upon the Journal of this Senate."

Mr. Tompkins said: "When it was my privilege a few days ago to express my own estimate of the work that these Commissioners had so well completed, I hardly expected that the opinion that I then expressed would be indorsed so promptly—I had almost said—from the other side of the world. It is to me a source of very great satisfaction and of pride—State and professional pride; and I therefore most cordially second the motion of the Senator from Napa."

It was feared by some that criticisms, however unfounded, might prejudice the present Legislature against the Codes, as to some extent the people had been prejudiced. To avoid this difficulty, and with a full knowledge that the Codes could stand the test, a Commission was appointed by the Governor, consisting of the Hon. Stephen J. Field, a Justice of the Supreme Court of the United States; Hon. Jackson Temple, an ex-Justice of the Supreme Court of this State; and the Hon. John W. Dwinelle, a member of the San Francisco Bar—all lawyers most distinguished for their legal and scholastic attainments. This Commission spent several months in examinng the Codes, and in their report say:

"We found the four Codes—the Political Code, the Penal Code, the Civil Code, and the Code of Civil Procedure—as prepared by the Commissioners, and enacted by the Legislature—perfect in their analysis, admirable in their order and arrangement, and furnishing a complete Code of Laws; the first time, we believe, that such a result has been achieved by any portion of the Anglo-Saxon or British races. It seems inexplicable that those peoples who boast of being the most fully imbued with the sentiment of law, have left their laws in the most confused condition, resting partly in tradition, but for the greater part scattered through thousands of volumes of books of statutes and reports, and thus practically inaccessible to the mass of the people. That California has been the first of this class to enact a complete Code of municipal law, will add not only to the prosperity of her people, but redound to her honor as a State."

I might try your patience for an hour in reading the opinions of able lawyers on the subject, but Van Duzer has spoken—let the world be silent.

Van Duzer says I am no lawyer. Well, gentlemen, I am not running for a lawyer; I am running for the Senate, with a very fair prospect of beating the whole field combined, [applause.] because I am a people's candidate, and the people are not going to be beaten this time. [Laughter.] It is always hard for a man to speak about himself, but I am entitled to do it, because I have been basely attacked by these fellows. Silas W. Sanderson, the ablest lawyer in California, the peer of any living lawyer, but not my political friend, was asked in Court, under his oath, as to what my standing was in the profession, and his answer was: "His standing in my estimation is high. I think him one of the safest and ablest members of the California bar." I put that against Mr. Van Goozle's testimony. [Laughter.] Mr. Sam. Wilson, of San Francisco, a gentleman standing in the front rank of the profession, under oath, where this question arose incidentally, said: "I have always considered Mr. Haymond a first-class lawyer." But I am not being tried now for being a lawyer. I know it is said that when a fellow is as good a lawyer as he can be, he is a mighty bad man at best. [Laughter.]

This man, Van Duzer, slanders the living and the dead; he says we printed a private edition of the Codes and sold them in advance of the State edition, and that we conspired with the State Printer to defraud the State—a lie from the beginning to the end. Why, you all know Tom Springer, who was the State Printer. He is in his honored grave. His genial, honest face is before me to-night. He never knew what wrong was, much less did it; and I am told that when that charge was uttered, men, who were proud to call him their friend, stood by and applauded.

The facts in relation to the annotated edition of the Codes are, that during the progress of our work, in order to accurately determine and reduce to written law the leading legal principles, it was necessary to examine closely the text books and the reported decisions of the English and American Courts, and to make many notes, some of which contained the reasons that moved us to changes made; others, copious extracts from authorities supporting the text. No provision was made by law for the publication in the State edition of these notes. Their volume was about double that of the original text, and to have published them in the State edition, at the rates fixed by law for public printing, would have increased the cost of that work threefold. We did not feel disposed to assume that authority and involve the State in a large expenditure for which there was no warrant in law; but, believing (though others may differ from us) that such notes were worth preservation, two of the Commissioners took upon themselves the risk of publishing them in an annotated edition, and to this end entered into a contract by which that publication could be made, and the volumes sold at the actual cost of publication—agents' commissions added.

To avoid all misapprehension as to their motives, in making that publication—a wise precaution as time has shown—they offered to the Governor and Secretary of State, for the State,

the whole annotated edition at the exact cost per volume that the State edition cost the State—an amount which would just pay the expense of printing the edition—and suggested that the edition might be distributed to Justices of the Peace throughout the State, the Commissioners advancing the money and awaiting the action of the present Legislature for its payment. This offer the Governor and Secretary of State declined for want of power. We then fixed the price of the annotated Codes at a sum then estimated to be sufficient to reimburse our expenditures and pay the cost of sale, but which was, in fact, insufficient for that purpose. This price was at least 66 per cent less than any California publications have ever been sold for.

Every precaution was taken that the sale should in no manner interfere with the sale of the State edition, notice being given through the public press that it would not be issued until after the corresponding volumes of the State edition had been published and were on sale by the Secretary of State, and in no way whatever was intended to, or did it interfere with the publication or sale of the State edition, or advance the pecuniary interest of the Commissioners, and as a matter of fact, it has never cost the State in any way a single cent, or interfered with the sale of the State edition.

The Secretary of State informs me that the State edition is nearly exhausted, and that another edition will soon have to be printed. So much for Van Duzer's veracity.

THE ELECTION LAW.

But I will give you a test by which you can understand the value of that work. Mine is the brain that conceived, and mine is the hand that executed every line of the election law of California, and no statute was ever passed in any land that has been as beneficial to the people. [Applause.] You can all understand that. How many murders have been committed on election day under the old law? 'How many men found bloody graves or a felon's cell? The election law of California makes the election day a great Sunday of the whole year. Why, if all these men have been slandering me for gold—or I expect they paid them off in silver—were to live to the time allotted to Methusaleh and exercise their genius in favor of serving the people, they would not do as much as I have done in that one single act. [Applause.] You all know that. It was a cruel alternative to present to any man, "Give up your vote, or give up bread for your children." That alternative cannot now be presented.

HAYMOND RECORD ON SERVICES.

Well, now again there is a gentleman who says that I have drawn $26,000 from the State Treasury. I have never figured it up to know what I have drawn, but I think he understates the amount a little. I went on the Code Commission, not because I sought the office, but because it was desired that I should take it. The former Commission had made a failure of it. The Governor's private Secretary came to me, as I believe, from the Governor, although I do not know that, and asked me if I would take a place on that Commission. He told me at the same time it would only take two or three hours a day. I was badly involved financially. Disasters of which I was not responsible had wrecked almost a fortune for me, and I said, "Yes, I will do that much extra work, because I want to pay my debts." I went upon that commission under these circumstances, and I had not been there thirty days until I found that I would have to surrender my practice or fail on that work. I received $500 a month, or was to receive it. Go and ask Judge Clark how much money Creed Haymond would make to abandon his practice and take an office of $500 a month. Ask him and he will tell you. I say I was to receive $500 a month under law. I never did receive it—and why? Because that work took longer than we expected, and another Commission was appointed to examine it. We were entitled to our $500 a month under the law, and Mr. Williams, the Chairman of the Judiciary Committee, and Mr. Cowdery, Mr. Burch, and Mr. McKune will bear testimony that we demanded that the pay of this additional commission—about $15,000—should be taken from our salaries, and it was so taken. I gave to this State from 12 to 14 hours of faithful honest work each day. It took the commission that revised the Federal Statutes nearly ten years, and we did five times as much work in four years. Many men will bear testimony that I gave many nights and Sundays, and all other days to that work, because we had pledged ourselves to Gov. Haight that it should be done. I have got $4,500 more out of the State Treasury they say, and for that $4,500 I have put $500,000 into the State Treasury, [Applause.] Go and ask Mr. Green, your State Controller. Ask him in the terrible fights that he has had for the last four years, who stood by his side, and ask him, too, if all the money I ever got, the whole $4,500, or whatever the sum was, will even pay my expenses in those cases. I never got any pay for that work, and yet in one single case I recovered into the State Treasury $110,000. I fought those cases against the very best legal talent in California, and so far I have lost but one of them. I never expect to get any pay for that. Now, why don't they tell both sides? It seems to me it is fair and honest for them to do so. I refer you to Mr. Green, your faithful Controller, in proof of what I have said.

BOOTH AND HAYMOND.

But they say Mr. Haymond is going for the Independent party because Gov. Booth gave him office and employment. I never had any office of any kind from Newton Booth. He never employed me either as a public officer or a private citizen to transact any business, not a dollar of his money either directly or indirectly has ever crossed my hand.

HAYMOND ON THE SCHOOL BOOK QUESTION.

Let me ask these gentlemen how much the State paid me in the school book case, but let me first answer not one cent. The State Board of Education had changed the text books; the Bee and the Record each fixed the cost of that change to the people at about one hundred thousand dollars. The act of the Board was regarded as final, and that the change had to be made was looked upon by nearly all as inevitable. Your faithful Superintendent of Public Instruction, Professor Bolander, who had pledged himself that this change should not be made,

came to me and asked me to undertake to defeat the action of the Board. He said that there was no money to pay attorneys. I told him I would undertake it. Then came a letter from Senator Tuttle, asking me to stand for the people. I gave up my time and business and instituted a suit in the name of Mr. Belmer. The parties to the change mocked at the idea. I met on the other side the first lawyers of the State, and, single-handed and alone, gained the case, [applause] prevented the change, and gave to the people of California not less than one hundred thousand dollars, [applause] more money than all the men who have been slandering me will ever be worth to the world. [Applause.] They can not appreciate these things. They do not know anything about working for the people or for the State, and they think that all the work a man has to do is to go into the State Treasury and shovel out the money. [Applause.]

ENTER TAYLOR.

There has been another man here, [laughter] and his name is Stewart Taylor. I never saw nor heard of that man, but I will stake my life, or my chances for the Senate, which are sure, upon this proposition: that he is traveling for money. He told a gentleman in this city that he had come to California two or three years ago to make a reputation, and the gentleman told me he is making a splendid one as a first-class liar. [Laughter.] Now I do not know this man, nor does he know me. He is one of the persons imported to bark at a gentleman. [Laughter.] In his speech he denounced me as a falsifier, a slanderer, and a coward. Ladies and gentleman, I have shown you the record, and in the speeches that I have made I have falsified no man's record—I have slandered no man. If their records prove them to be false, it is their record and their act that slanders them, and it is not mine. I have never coupled those words with any man's name. I may be a coward. Perhaps I am. I have never been tried. There are different kinds of courage in this world. There is that kind which meets danger calmly and faces it. Perhaps I might fail in that, but I pledge you my word that I have not that courage which steals a man into town and behind another's back hurl slanders against him and then steals him out again on the first train in the morning.

SHORB COMES FORTH.

There is another, a man by the name of Shorb, or Chawrb, and talks about effigy Sargent. Is not that a nice way to talk about a United States Senator? Why, I was glad last night and my heart went up when the people of Sacramento turned out in all their pride and majesty to hear that man. He differs from me in politics. I differ from him. He does not believe I am a scoundrel because I am against him, and I think he is an honest man if he is against me. And yet this Schorbutic comes and tells us about effigy Sargent. Why, you could get a hoodlum for two dollars and fifty cents to hang Washington or Lincoln in effigy. [Laughter.] Men generally get hung in effigy in times of great excitement, and it is generally for the best act of their whole life. He said I had a conversation with Mr. Minnis. Well, I did, and it was a friendly conversation; from Schorb's statement you would suppose Mr. Minnis came to me with a blunderbus. Mr. Minnis asked me if I thought Mr. Irwin was an honest man. I said yes. I am not in the habit of saying that men are dishonest. I have not said it yet nor I haven't attempted to prove that he was dishonest. I have said this, that William Irwin's action impeded railroad legislation. William Irwin had a right to do that, if he thought it was right. He has never denied that he did it for that purpose. Whenever he denies these things I may think he was dishonest, but as long as he does not do so I can not say that he is dishonest; but I say this, that a man who has been running in that direction is not precisely the man to capture the Independent platform and be made Governor. Well, I did have a conversation with Mr. Minnis. Shorb says Minnis went on further and said, "Mr. Haymond, don't you believe that Mr. Irwin is a man of Spartan integrity." Now, Minnis never said anything of that kind to me, nor to Shorb. Whoever heard Minnis talk about Spartan integrity? I will show you where that comes from. It is the vaporing of a pretentious ignoramus, a man who has a smattering of knowledge. Ask a scholar what Spartan integrity means. It means stealing, and to be punished if you are caught at it, to be honored for it if you are not caught. This fellow has been glancing through some encyclopedia and he read something about Spartan fortitude and mixed it up with integrity, and puts it into our old friend Minnis' mouth. Why, the Spartan's taught their children to steal; that to steal was honorable, but to be caught at it was a terrible thing.

Why should I utter such sentiments? I never charged Mr. Irwin with dishonesty, neither by word nor any other way. I do not attack men that way; if I cannot attack them any other way, I let them alone. I believe I have been mistaken at least once in my life. Dr. Shorb never has been. He puts into my mouth words that, if I had uttered them, would make me say that Irwin's integrity was Spartan integrity.

But I am a renegade Democrat, and a renegade Southerner. Why, what is the matter with me? There is no man in the State of California under forty years of age who has rendered more service for the Democrats than myself. I canvassed for the party when men like Shorb and Van Goozle and that sort of fellows were up in hollow stumps, hiding for fear the black Republicans would catch them and whip them for being Democrats. I always paid my own expenses for ten or twelve years out of my own pocket, and I never asked for a political place in my life. They have the books of the Central Committee in their possession, and it is an impression that men are paid for canvassing, and I venture that the books of the Central Committee will show that every one of these fellows are canvassing for coin, and they would be on the other side if they were paid a little more. A man who will slander another who is not known to him, who will misrepresent the records and the facts, is capable of anything. He would "poison my drink or stab me in my sleep." I am a renegade Southerner. I did not know there were any Southerners at all. I thought we were all Americans. It is true I was born in the South, but I have lived in this State since I was a little boy, and there is a good old gentleman in this city who has

known me well—Judge Gilmer—and he will tell you that he has known me since boyhood, and that I had always been in my boyhood days a hard working boy, as I have been a hard working man. Who is the better man for the South, the man who says that now that this war is over let us have a settlement of our difficulty; let our land have peace; let the amendments stand, and let the old thing be ended, or the man who is running around the State asking for the repeal of the Thirteenth, Fourteenth, and Fifteenth Amendments, and who they could not get within two thousand miles of the Federal army when Lee and Jackson were fighting for what they called Southern Rights?

FIGHTING THE WAR OVER.

These fellows want to fight now when there is nothing left down there but widows and orphans to fight. We have a territory up north called Alaska, which we have very little use for, and if I was running for Congress I would propose to have that territory set aside, and all those red shirted Republicans and all those Bourbon Democrats, who never would fight when they had a chance, should be put up there and allowed to fight the war over again, [applause and laughter] and then fed to the seals. [Renewed laughter.] Why, here is a soldier sitting by the side of me, (Major McArthur) and there is another standing in my front, and I have seen gallant soldiers throughout the State, and they all say, "Haymond, you are right; we have got enough of that war." This reminds me of a story that Senator Booth tells: He says he met in the East a Colonel Jones of the Southern army, and the Colonel told him that he went into the army when he was a young man with a large fortune, and he came out broke, and without a second suit of clothes for his back. He went to Louisville and there met a dapper little fellow who, at the beginning of the war, stood on the street corners hurrahing for Southern rights, and crying out, "Give the Yankees the devil!" The Colonel stepped up to him and shook hands with him, when he said: "I have got rich out of the war, dealing in contraband cotton, and I wish there was another war for Southern rights. Colonel you don't think it is over, do you?" "Well," said the Colonel, "it may not be all over with you, but I have got enough of the fighting myself, and if there is any more fighting to be done for Southern rights, I propose that you go into the army and I will stay at home and buy the cotton. [Laughter.]

GROVE L. JOHNSON.

Now then comes my friend, Grove L. Johnson, and I should be glad to see, for his own sake, that he has been making a nice, respectable, quiet kind of a speech. I should not be one of those men who have been throwing bricks and stones at Grove Johnson. They say there was something bad in his boyhood days. Is there anybody here that was not bad sometime or other in his life? [Applause.] If there is I would like to have him stand out so that we can look at him. I have never believed in going back for twenty-five years and raking up some little mistake that any young man is liable to make, and holding it over him all his life. Grove has made some serious charges against me, but he will take them all back, I believe. He says I said my platform was to "Tear up the track, burn the bridges and the shops." I never used the words "burn up the shops" in all my life, but after in talking in fun, and being asked my ideas in regard to railroad matters, I said I am so moderate in my views that I can hardly get anybody to agree with me. My platform is to burn the bridges and tear up the tracks, of course everybody understood that it was just a humor of the moment; somebody would propose to amend it to hang the Directors, but it was all in joke. I will tell you what my railroad platform is: that the Railroad Company shall obey the laws of the land as you do. I believe that the Legislature of California has the right, and that it is its duty to regulate freights and fares; there are some things against which the people cannot protect themselves, and it is the duty of the Legislature to protect them in such matters.

THE RAILROAD.

These great corporations would center their power in the Legislature against the rights and interests of the people. I say if the Railroad Company is honestly out of politics, that they can not have a better man in the Legislature of California than Creed Haymond. I would do them justice under my oath of office, though, I think, they are trying to beat me—and yet they are out of politics. Whenever they will go to the Legislature and say we recognize the power of this State over us, we are willing that freights and fares should be honestly and fairly regulated, then I am willing to say that, as a judge, I will do them justice, though every mob in America was yelling at my feet. [Applause.] But on the other hand, there shall never, with my consent, be any so high in this State as to be above the laws; nor shall there be a man so low that is not within the protection of the law. Is not that right? Those are my views; they are Jeffersonian Democratic views. The people of California can be trusted by the Railroad Company, and whenever that Company is willing to trust them, that Company will be safe. The natural law of society is the surest guarantee for human rights and human interests. Even it may err sometimes, but its errors will be solitary, honest and short-lived. The people of this city do not desire to make war upon any interest. I know they couldn't do it; they wouldn't do it. The city of Sacramento gave to the Railroad Company all that it has; it gave them the start that made it. It has never refused to give it anything. Now we constantly hear about fights that are being made against the Railroad Company. I never have heard of anybody proposing to fight the Railroad Company. We are proposing to fight for what is left, and to let them have what they have got.

SAVINGS BANKS.

But Mr. Johnson says that I said in a savings banks case that I was in favor of breaking up the savings banks. I never made such a remark in my life. When I was against the savings banks as a lawyer, I put on my thinking cap, and I always done my level best to beat the case. That is a slander for which the Alta California is responsible. They published in San Francisco that I had make such a remark when I was there arguing the bank tax

cases. I never uttered the sentiment, and the next evening Mr. Catlin, of this city, and Mr. Green, the Controller, called my attention to it, and said, "This fellow has been telling stories about you again." Why, every morning the Alta, for three days, had at least a column article agaifist the attorneys of the people of the State of California. I shall expect Mr. Johnson to correct this.

OROVILLE RAILROAD BILL.

Next comes my friend William H. Mills, and he puts in form a charge that has often been made and never denied, because it never had a responsible father. He says that Mr. Haymond—or he did not assert it—he says it is reported that Mr. Haymond lobbied the Plumas County Railroad Bill through the Legislature, and while pretending to examine the bill for Governor Haight, as his confidential adviser, deceived him into signing it. Now every word of that, from the beginning to the end, is false. I was engaged that Winter with Mr. Farish, of San Francisco, in the passage of a bill which Governor Booth and Governor Haight will both tell you has netted to the State of California about one million of dollars—the tide land bill of San Francisco. The railroad company wanted it all. We conceived the idea of selling this land for the benefit of the State, and we secured the passage of the bill. Now, I might rest here, but this charge would be revived in some other form. I will tell you what I know about it. They said that was a railroad on paper. Now, gentlemen, it was a railroad to run through the Beckworth Pass—that Pass, I believe, is a little less than 5,000 feet in altitude, beneath where snow fell, where it never fell, or when it fell very late and remained no great length of time. They had had for two years a corps of engineers in the field, and every single mile of the road was engineered, laid out, and platted. They have graded a portion of the road, but they never had a single dollar of subsidy from anybody in the world. I will tell you presently why the line failed. The people of Plumas county got wild on the subsidy question. They met in convention—the Republican party—and passed a resolution directing their members of the Assembly to vote $300,000 in bonds to the railroad company. That was either the Republican or the Democratic platform, whichever met first, but the other met afterward, and it went them some better, and these gentlemen canvassed the county on that proposition, to pass exactly that bill. That was in the days when railroad subsidy was in vogue. I was not in the county of Plumas for months before the convention met, and I never knew anything about the matter until the Legislature met, because I was laying sick, expecting to die, in the city of San Francisco. The people of Plumas county did the thing themselves, and they alone are responsible for it. I knew something about the bill, and I will tell you what I knew. The member of the Assembly sent for me one day, and said, "Here, I want to show you a bill," and he had actually drawn a bill to give to the company $300,000, and that would make the bonded debt of Plumas county $405,000. I said to him, "Mr. Buckbee, this thing wont do at all."

He seemed to get mad at me. It was his hobby, and he said, "What shall I do?" I said, "last year the people of Plumas county voted $105,000 to build wagon roads over, in a great measure, that same route. Now take the $105,009 and give it to them, and give them $125,000 more, making $230,000," and I got him to consent to it. I got him to repeal the wagon road bill and to turn the money on that with the condition that the railroad company should pay this indebtedness that Plumas county already owed of $20,000 upon its bonded debt. He was offended at me, and he agreed to it with a great deal of reluctance, because these men thought they were going to make a great deal of capital out of it, and they thought that I was opposed to them because I was a Democrat and they were Republicans. I never heard anything more of the bill until a day or two before the Legislature adjourned. I never asked a human being to vote for it. I have stood as near as any man in the State to the members at two sessions of the Legislature, and I never asked a man in my life to vote for any bill that was not of a general nature and for the public good. If I am falsifying my record, show it. Let the man come forth who can deny it. A day or two before the Legislature adjourned, Mr. Buckbee came to me, hunted me up, and I was down in the Orleans Hotel, sick. He came to my room and said, "Haymond, I have got a row with you." He said I got the Governor to veto his railroad bill; he thought I was trying to deprive him of his capital. I said, "It is nothing of the kind." And he said a certain gentleman—whom I need not name, but whom I might name—had gone and told Governor Haight that I was opposed to that bill, and had sent him word to veto it. I immediately got up and dressed myself and I went with Mr. Buckbee to Governor Haight, and I told him that I had never sent him any such word—told him all I knew about the matter. Governor Haight had then signed about every railroad bill that ever came to him. Nobody ever objected to a railroad bill at that time. Mr. Haight, who was a stranger to me at that time, I thought was not satisfied that I was not dealing double with Mr. Buckbee, and I went and got the gentleman who had carried that word to the Gouernor, and I found out that he had taken the railroad company's maps and had carried them to the Central Pacific Railroad Company's office, and had gone to Governor Haight with the message. I took him into the Controller's office, and in the presence of a number of gentleman I made him acknowledge that he had misrepresented me to the Governor, and I got a carriage and Charley Fairfax took the man to the Governor and heard him tell the Governor that he had not told the truth to him. I will call on Governor Haight to say if this is not so. And this is my connection with this Plumas County Railroad Bill, and it is the only connection I had with it until after it was passed and becamo a law. The President of that railroad company, in justice to him let me say, was opposed to having anything to do with it. After that bill was passed and become a law, he came to me and said "there is a row in Plumas county just as I expected there would be about this bill. I want you to go up there with full powers," and I went there and I found that the District Attorney and two or three other persons had organized a rival railroad corporation, and they had

induced the Board of Supervisors to resign. I hunted them up; I went before them and I said, "Gentlemen, I am here now with three propositions to make to you. I have full powers to act. The first proposition is this: If you are not satisfied, the company will surrender the subsidy. The next proposition is, if you issue the bonds the company will give security to build that road or return the bonds; and the next proposition is, that the company will deposii $230,000 in gold in your County Treasury as security, if you desire to issue your bonds. Were not these fair propositions? Well, the District Attorney of that county gave the opinion that not one of those things could be done, and he came down here and in his enthusiasm, but perhaps not intentionally, misrepresented the facts to General Jo. Hamilton, the Attorney General. The company never sued for the bonds, but he got out a writ of *quo warranto* against the comyany under the impression that if he could destroy that railroad company he could stand upon their franchise with his opposing road. We tried that case in a District Court, and General Hamilton investigated the case and decided, in a written opinion, that the railroad company had acted in good faith, and he ordered the whole proceedings to be dismissed. Now, then, they still continued and tried to put obstacles in the way of that company, which was endeavoring to do everything in good faith. These are matters of record that no man can contradict. Then the President of the road said to me, "I do not intend to put up with these things any longer," and he brought a mandamus suit to compel them to issue the bonds, but, at the same time, he caused to be served with the papers in the case on each of the Supervisors the following notice:

To the Board of Supervisors of Plumas county, California—Gentlemen:

With this will be served on you process of the District and Supreme Court, issued in suits of the Oroville and Virginia City Railroad Company against you.

It has never been the desire or intention of that Company to enforce the "Bond Act" by law—they well knowing that when the excitement should subside that agents and employees has created of rival corporations, and the Company were prosecuting their work that justice would be done them in the premises.

You were in default on that Act in April, 1868, and the Company could long since have enforced the Act had they desired so to do. The case of the People vs. Chambers et als. in no matter impeded or affected the Company's right to proceed by mandamus.

The Company offered to the county of Plumas every guarantee that could be imagined to secure the county from or against all risks, and are now willing to receive the subscription on any terms that may be deemed by you just and equitable; and that you may not misconceive their motives we assure you that even at the end of all the litigation that the Company may be forced into in this matter, they will, in justice to themselves, never take the subscription without freely giving to the county such guarantees as the most fastidious of their enemies could suggest.

You saw proper to have proceedings instituted against the Company, and the counsel nominally in your employ endeavored by every means in their power to avoid a decision in the premises, and it was only by the most extraordinary exertions on the part of the defendants that the case was brought to trial. On the hearing so utterly without foundation did plaintiffs' alleged cause of action appear that counsel for defendants submitted the case without argument, a judge of acknowledged ability, and whose integrity no honest man will dare question, promptly decided the case in favor of the defendants. The corporation, while regretting the injurious effects of this litigation upon the best interests of the county, has in silence defended itself against an attack made in your name, and a suit instituted at your request, but managed and controlled in court by the officers and agents of a rival corporation. After the decision in the case the Attorney General (Gen. Jo. Hamilton) made a full investigation of all the facts and filed a written opinion, concurring entirely with the Judge of the District Court, and ordered that all further proceedings in said action cease.

Notwithstanding these facts, parties claiming to be your agents and claiming to represent you, are studiously circulating reports that the litigation has not ceased, to the injury of the corporation. In justice to themselves and to the people of Yuba, Butte and Plumas counties, whose interests demands a speedy prosecution of the Company's work, the proceedings herein first mentioned have been instituted for the purpose of putting an end to suits having no foundation in law or right, and prosecuted solely to injure the Company and prevent the completion of their work.

The Company do not know whether you are responsible for the conduct of the persons who assume to act for you, and to that end serve you with this statement of facts. You cannot, if such is your purpose, expect to persist therein and at the same time expect the Company to stand an idle spectator of the attempt to strip them of their property and confer it upon others who have no shadow of right thereto.

Your silence will be taken by said Company as an endorsement of the acts of persons who claim to have authority from you. If, on the contrary, those acts in violation of every principle of justice and destructive of the interests of your county do not meet with your approval you have but to say so, and all proceedings taken against you will at once be dismissed at the Company's cost. The railroad failed, and why? A great financial crisis came and it involved to some extent almost all of the men that were connected with it. The object of the road was to connect with the road on the other side of the mountains and avoid the snow belt. But that very Winter the Union Pacific was snowed up more than this road, and they abandoned it. It has been said, also even asserted, that one reason why the enterprise was abandoned was because it was involved in the sale of the California Pacific road, with which it would have been in a connection; but of this I know nothing. Gentlemen, I have made a specific explanation of the Railroad Bill, that Haymond never had anything to do with in the lobby.

ORPHANS.

Now, then, they have gone around here making another charge. They say I am in favor of extravagant appropriations for orphan asylums. I am in favor of this: Two years ago a bill was passed by which all the orphan asylums—Protestant, Catholic and all of them—were to receive so much a head for each child they took charge of. I am in favor of carrying out that agreement in good faith, and if there is anybody in this country who is in favor of turning these helpless children out on the world to become vicious, let them don't vote for me. [Applause.]

GOVERNOR HAIGHT.

The Record-Union puts into my mouth the expression that "Governor Haight was a weak man." That I ever uttered such a sentiment I emphatically deny. In every speech made by me in this campaign I have paid a just tribute to the worth and integrity of Governor Haight. I believe him to be as pure a man as ever held an official position; that his mistakes, if any, were the result of the very best qualities in his nature, and instead of constituting arguments against him, they were evidences of that exalted mind and lofty spirit which moved his every action. I well know that my utterances have been studiously misrepresented, and I well know the reasons which have moved to these misrepresentations. [Applause.]

FRIEND MILLS.

But my friend Mills has got another quarrel with me. He says I have wrecked myself in joining the Independent party—that a bright future was before me. If I was Mr. Mills' own boy, and I would take him by his teachings, I would have had to do just what I have done. He tells you that Sargent and Gorham will not do at all; that they are making a burlesque of the Republican party, therefore I could not go with them. And he says that those gentlemen who are running around talking about repealing the Fifteenth Amendment, and all this sort of a thing, won't do, therefore I could not go with them. I am exactly where Mr. Mill's teachings ought to put me, and he had better move over himself and out of the railroad company. [Laughter and applause.]

THE BEE.

But about my friends of the Bee. These newspapers have all treated me pretty well, and I think every man connected with them will vote for me, because they are voting for the best men. [Laughter.] My friend of the Bee says: Why, this is an outrageous proposition to elect Haymond to the Senate. Why, didn't he cheer Newton Booth, the other night? Is it a crime to cheer Newton Booth? I think Newton Booth stood up there to show that the city of Sacramento had made the railroad company. [Applause.] He showed that the city had given them money and lands, and, notwithstanding that, they moved out of town and went into a city that never gave them anything, except at the end of a lawsuit, and which was always fighting against them. I thought, in my honest, unsophisticated mind, that Governor Booth was defending the city of Sacramento. And has it come to this pass, that the child almost of your own city shall not raise his voice in defence of this city? [Applause.]

If it has come to this, then will the lines that were applied to desolated Poland portray but too well our city's fate.

"She found not a generous friend, a pitying foe;
Strength in her arm nor mercy in her woe."

[Applause.]

We defend the city of Sacramento. She has a glorious future before her if she and her people be but true to themselves. Standing in the center of this great valley, if you will but use your energies properly, be represented by your ablest and best men, sent there not because they are rich nor beeause they are poor, but because they have the ability and the honesty to stand for your interests—I say, standing as she does, she must become a great commercial center of this valley. But you cannot make anything out of this city if you sit down quietly and yell against every man that is a candidate for office; allow people to come in here and slander and vilify and abuse your best citizens. Of course they talk about every man who is a candidate. I am getting to be almost as bad a man as Newton Booth, and if they keep this thing up I will have to move out of town—and sure enough, will have to move into the United States Senate in Mr. Sargent's place. [Applause.]

THE PUBLIC SCHOOLS.

The Independent party is pledged to maintain the integrity of the public schools. Some industrious slanderer has been circulating the report that I favor a division of the school fund. I never for a moment entertained such an idea. All parties agree that there shall be no division of that fund, and I have not heard the question mooted for years. Why cannot men conduct the canvass honestly, and why is it that such reports are circulated? Simply because there is an irresponsible few that stoop to anything. I denounce the report as absolutely false.

FREE BRIDGES.

Now, we want a free bridge across the American river. I asked a gentleman, the other day, how much they gathered there for toll in a year, and he said about $8,000; and what does that mean? It is a tax on the people north of the American river of $8,000 a year. How soon would that pay for the bridge? More than that; the people say they cannot come here to trade, and they have to go to Roseville. I say we want the bridge made a free bridge. It should be done, not by increasing the taxes of the people, but by saving it in another place. [Applause.] We want every bridge in the county free. [Applause.] You can afford to pay taxes if your money is invested where it bears a high rate of interest. Taxes should not be increased to accomplish these great works of public importance, but a saving should be made elsewhere. It takes time to prepare these bills. If I am elected to the Senate I intend to call our delegates together as early as the 5th or 6th of September, and to have all this legislation prepared, as far as our delegates are concerned, before the Legislature meets, and then you have got to help. [Laughter.] I know we can make savings enough to secure these advantages. [Applause.]

SACRAMENTO CITY.

Now, I have said a good deal that is good about you, and I am going to say something that

is bad. [Laughter.] Sacramento used to be open-hearted; the people used to be open-hearted, when strangers came here. We have got careless of late years. The State contributes you a great deal of money to provide you with fairs and things of that kind, and when the next fair comes here, every man should make himself a committee of one to see that everyman that enters Sacramento leaves it a friend of the city, and not an enemy. When the Legislature meets every citizen that is able to give balls, receptions and parties must give them, so that the members of the Legislature may come here and be friends of Sacramento. And if we want favors from them they will be given us.

CAPITAL PARK.

And we want this Capital Park up here finished immediateiy. Not only that, but we want more blocks in it besides—and why? Because that Park should typify the whole State of California. In its limits should grow every flower and tree, and every species of fruit that can be produced in this State. It would be a golden investment; it would be better than money put away at ten per cent. per month; it would be the best advertisement that this people could have. How are we to get that? Why, we have only to go and work for it. [Applause.]

STATE PRISON AT FOLSOM.

We must see that the Prison at Folsom is completed, and work for the sufficient appropriations to that end.

GOING TO THE SENATE.

It is not an easy thing to go to the Senate of California. A man pays a pretty big price in getting in office, by being abused and villified, and by receiving anonymous letters day by day. I placed an anonymous letter to-day into the hands of the police, threatening me if I made a speech here to-night. A man pays a big price for it, but he is working for a rich reward. If a man can go there and accomplish these things for this city—a lawyer—and he can come back and let every one know that he has worked honestly and sincere for the poople, he will have made a reputation that will be worth more to him in this county than all the golden dollars that these Shorbs and other fellows will ever get for traveling around the country retailing second-hand slander.

CONCLUSION.

Gentlemen, we have a great many candidates on this Independent ticket, and I see that you would stay here all night if we kept up this meeting for you, and if you wake up those who are sleeping down at the street [a voice—"There ain't anybody thar!"] I supposed they were all asleep, but as there is no one there and all are here I will bid you a pleasant good night, for I know you want to hear Charley Jones. [Applause.] I want you to get ready and come out and vote early on the first of September, and then go to your tailor and order a nice suit of clothes to be ready to be present when we inaugurate John Bidwell, the People's Governor of California. [Applause, and three cheers were proposed for Creed Haymond, and they were given heartily.]

REMARKS

OF

HON. MILTON S. LATHAM,

OF CALIFORNIA,

UPON

SLAVERY IN THE STATES AND TERRITORIES,

AND

THE DOCTRINE OF AN "IRREPRESSIBLE CONFLICT" BETWEEN "LABOR STATES" AND "CAPITAL STATES."

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 16, 1860.

Mr. PRESIDENT: It is now nearly eighty-four years since this great country, comprising an area larger than that ever swayed by a republican Government on earth, was introduced into the family of nations, filled with the consciousness of future power, and encouraged by the sympathies and applause of the civilized world.

Our institutions were admirably adapted to the spirit of the age; they were the result of the progress of political ideas, the fruits of an advanced civilization, and the experience of past centuries.

They breathed a higher appreciation of the dignity of man than that which had been nurtured by the superstition, cruelty, and injustice of the feudal system; and embodied, perhaps for the first time in the history of the world, the genius of humanity in legislative forms.

We have, with a few trifling exceptions, enjoyed uninterrupted peace, unbounded national prosperity, and a degree of success in our agricultural, manufacturing, and commercial pursuits, which have made our country an object of emulation and envy to those whom we have already distanced in the race for wealth and power.

Millions of enterprising and energetic men from foreign countries have flocked to our shores, to share with us the blessings of our institutions and laws; and we have become the exemplar of the world's progress, to whom the oppressed and dissatisfied of all climes point with exultation as the realization of their cherished hopes. Yet what have we done, during all that time, in the most advantageous position in which a nation has ever been placed since the commencement of the historical period? Have we originated any new ideas? Has our progress in political ethics and philosophy kept pace with our immense material development? I am afraid these questions must be answered in the negative.

For nearly a century has the legislative mind of this country spent its energies almost exclusively in the consideration of a United States Bank, the Tariff, and last, though not least, on the all-absorbing and most mischievous topic of NEGRO SLAVERY. Every other idea seems to have been swallowed up and annihilated by these three. Even our achievements by land and by sea, the acquisition of vast territories,

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and the formation of new States, seem to have been little more than episodes in our history, when compared to the agitation, strife, and threats of dissolution produced by these three unhallowed sisters.

The bank has fortunately received its quietus, by the healthy and beneficent operation of the sub-treasury; but the tariff, and more especially the slavery question, continue to keep Congress and the whole country in a state of feverish excitement; not only interfering with and preventing wholesome legislation on other and more congenial topics, but embittering the feelings of the people of different sections of our common country, and endangering thereby our domestic peace.

The tariff and slavery questions have assumed a purely sectional aspect, affecting, as it is believed, the two great geographical divisions of the country very unequally, and appealing especially to the prejudices and superstitions, to the cupidity and love of power of those who allow themselves to be swayed by them.

The northern States, we are told, are manufacturing, and require a protective tariff, or, at least, a "revenue tariff, with incidental protection;" while the South, from the institution of negro slavery, is necessarily devoted to agriculture, and, for that reason, interested in the principle of free trade.

On the other hand, negro slavery is, by many northern politicians, considered an element of political power; which consideration, it may fairly be presumed, has more to do with their conscientious opposition to it than all the questionable philanthropy of their champions and deluded followers.

Every public measure, whether affecting our foreign or domestic policy, has been turned and twisted so as to answer the particular ends of partisans for or against protective tariff; and the same holds, in a still greater degree, of all things in regard to negro slavery.

These two questions have been made the lever by which men are to be raised to political power and influence. All others have become subordinate to them, not even excepting those which involve our national interests and our national honor. And it is a remarkable fact, Mr. President, that, in the consideration of both these subjects, the widest scope has been afforded to selfish passions, and the least to historical and philosophic inquiry.

Upon the 29th of last February, this body listened to a speech from the honorable Senator from New York, (Mr. SEWARD,) in which the "irrepressible conflict between free labor and labor performed by negro slaves" was reiterated, and if it may not have evolved new ideas, or thrown new light upon the subject, it certainly presented the question in an attractive form.

The Senator divided our Confederacy into "labor States" and "capital States"—a division no doubt very palatable to the Senator's Republican followers, but incapable of conveying a distinct idea, either to the political economist or to the student of history.

Sir, I do not know of a single modern State which is not a "capital State" and a "labor State" at the same time; and I am equally ignorant of the existence of a State where capital and labor do not hold to each other, more or less, antagonistical positions, except it be the slaveholding States of the South, in which labor and capital are associated in the same hands.

If capital, according to Adam Smith's teaching, consists in the accumulated wages of labor, it is very clear that the power of capital

must increase in proportion as the wages of labor diminish, and that the interest of the capitalist, so far from being parallel with that of the laborer, is, in fact, opposed to it; as is abundantly proved by the condition of the laboring man in the free States of the North, and by the still more lamentable position of the laboring classes of Europe, where capital is concentrated in fewer hands, and where it had a longer time to operate and oppress the laborer than is the case in this country, with our comparatively sparse population and immense fields of enterprise.

Let population increase, let labor become cheap, dispose of our public domain, and diminish thereby the avenues of wealth, and our "labor States" of the North will be far more absolutely under the control of the capitalist than any portion of the white population of the southern States of our Confederacy, whom the Senator from New York would stigmatize as "capital States."

Our democratic institutions may protect the free laborer to a certain extent, but they cannot guard and secure him against the *invisible encroachments* of capital, and that silent working of *competition* which in all countries has reduced the condition of the laboring classes to one of almost hopeless dependency on capital, terminating too often in sickening hardship, if not in servitude.

With the organization of labor as it exists in Europe and in our northern States, wages must constantly approach a point threatening to the physical well being, if not the absolute existence of the laborer; for the laborer MUST work to live, while capital only employs him when his labor is remunerative, which is too often, in proportion as wages are reduced, to the starvation point.

When no work is required to be done, the laborer is wholly deprived of the means of subsistence, and has no longer any interest in the State which has grown rich by his industry.

Sir, the political institutions of a country have very little to do with the relative position of capital and labor; for the laboring classes, whether manufacturing or agricultural, are no better off in England, for example, than in India or China.

Where labor and capital are divided there will be competition for work, which is death to the laborer, while it adds to the wealth and power of the capitalist.

It is the relation of labor to capital which threatens the political *status* of every country in Europe, which has given rise to the doctrine of the Socialists, and which requires the presence of standing armies to secure domestic peace. The great problem of European government consists in finding employment for the working classes, and at the same time to raise their wages to a point sufficient to sustain animal life.

And in this respect our northeastern States do not materially differ from the States of Europe. The difference, *at this period*, consists merely in our greater demand for labor and our less abundant supply.

In the face of these facts, which are patent and familiar to every reflecting mind or impartial observer, what sophistry it is, with all deference to the Senator, to divide our States into "capital States" and "labor States!"

No one in this Chamber more thoroughly understands than he, with his cultivated intellect, the *unconquerable antagonism* between capital and labor; or appreciates more truly the instinctive dread of the laboring classes to the influence and grinding power of capital; and

hence, it seems to me, he has, for political effect alone, selected these terms; applying the one indiscriminately to the majority of his polical opponents, and the other to the majority of his political followers.

One would suppose, from his description of the operation of labor in our northern States, that they were either all inhabited by laborers, or that, where capital and labor exist at the same time, they shared alike the profits of their association. The case, however, is widely different. Suppose Mr. Lawrence, or Mr. Abbott, or Mr. anybody else, establishes a cotton factory: how does he go to work? There are some three or four hundred men, women, and children, all desirous of being employed, entering into co-partnership with him; pledging their time, labor, and health, to the promotion of the common object.

There are, in addition, inspectors and foremen, machinists and clerks, doing the same thing on conditions a little more favorable to themselves.

And then comes Mr. Lawrence, Mr. Abbott, or Mr. anybody else, who gives a piece of paper, with his name written upon it, representing a capital of $50,000! For it is the peculiar faculty of capital that it can be multiplied by *credit*, and that a man worth $50,000 in cash may have credit, and do business to the amount of millions; while the laborer, for whom the Senator from New York has such a particular regard, has but two hands which can earn him only so many meals and when these hands stop, by reason of remaining unemployed, the meals stop also, and the functions of the stomach with them.

When there is a diminished demand for manufactured goods, the manufacturer employs but half the number of men, women, and children, or employs them only for a less number of hours, while the cravings of their systems remain the same, though the means of satisfying them are reduced to one-half.

The three or four hundred men, women, and children, nevertheless, remain in the partnership; and if the building in which they perform their daily task does not tumble down on their heads, they manage to LIVE; and at the end of some years, how do you suppose the profits of capital and labor are divided? If they have done a lucrative business, they must, as one would suppose from the Senator's remarks, have made something handsome by the operation. But the fact is, the laborers have spent their wages in procuring food and raiment, while Mr. Lawrence, Mr. Abbott, or Mr. anybody else, has become a millionaire! If the business was less profitable, or connected with loss, then the probability is, the men, women, and children, have been worked but half the time, and have been but half clothed and fed, or they were entirely discharged; while the man who has given his PAPER as HIS share of the risk, obtains an extension, or settles with his creditors for fifty cents on the dollar! After the pressure is thus removed, he commences with new hands, or with the same hands, if they are still alive, and capable of performing work. He may succeed this time, but the workman remains as poor as he was when he started in business.

In the one case the paper man, the capitalist, becomes rich; in the other, his creditors foot up the loss; the laborer, in either case, remains dependent on the capitalist. Such is the nature of the association of capital and labor in the northern States, and in all countries where free labor is obliged to compete for wages.

The wages of labor are constantly tending to the minimum of what will support life; and if the laborer, harassed and exhausted by the

scantiness and uncertainty of his support, dies, he is quickly replaced by another, who runs the same career of poverty and want.

And now, Senators, how are these things in the southern slaveholding States? There the owner of the slave is undoubtedly the capitalist, but his property consists in the labor force of the country, and it is a labor force which must consequently be taken care of, *whether employed or not;* for if it perishes, the capital employed in it perishes with it.

Capital there, had no interest in diminishing the wages of labor; hence there is no competition among the laborers, and no disposition to work them at starvation prices, to the destruction of their health and comfort.

Yet these States the Senator from New York calls, "*par excellence*," the "capital States," to render them as odious as possible in the eyes of the laboring and *voting* classes of the North.

In a book, no doubt intended to illustrate the views of those who agree with the Senator from New York, called the "*Helper book*," a series of statistics is furnished to show how the North has been injured by the South, and how far the value of the products of northern industry exceeds that of the industry of the South.

Now, supposing these statistical tables to be all correct, what do they prove, but that the laboring man of the North has been worked *harder* than the laboring man of the South, and that the capitalists of the North have derived a larger profit from him.

The majority of the people of the North are not property-holders or capitalists; the majority are laborers, and the relation of the capitalist to the laborer, and of one capitalist to another is such that one species of capital is employed in competition with another, tending not only to diminish wages, but also the number of capitalists.

And if wages and profits, by this compound competition, have not reached the lowest mark of which they are susceptible, it is because the South with its slaves has not entered into this competition. It confines itself to agriculture; it abandons manufactures to the North; and by furnishing a *market* for the products of northern labor, keeps up the demand for, and thereby the price of, that labor. Does the Senator from New York, does any other reasonable man, suppose that, if the South turned its attention to manufactures and the mechanical arts, the products of northern industry would be as valuable and remunerative as they are now? Not only would the markets for these products diminish in the southern States, but the products themselves would be multiplied; thus diminishing prices by the double operation of greater supply and a diminished demand. That for which the South is reproached in the Helper book, ought really to be a source of congratulation to the North, to the laborer as well as to the capitalist; to the laborer, because it tends to keep up wages; to the capitalist, because it postpones the period at which the conflict between him and the laborer may threaten his wealth, if not his personal security.

It seems to me, sir, that the North, in this crusade against the South, is quarreling with its own source of prosperity. If the South holds the relation to the North attributed to it by the Senator from New York, as illustrated by the Helper book, the North possesses, in the southern States of this Confederacy, the most magnificent colonies of the world; and it is its interest to preserve them as it was the interest of Great Britain to do so, and to secure thereby the best market for its industrial products.

Graham, in his History of the United States, alludes to the plea of the American agent for the colonies, with the British minister, in behalf of a grant of some twenty thousand pounds, made by Parliament to William and Mary College, in Virginia, and which the agent claimed for the benefit of the souls of the poor colonists; to which the British minister is said to have replied: "*Never mind* (or something worse) *their souls; let them plant tobacco!*"

Now, why should not the Senator from New York be equally generous to Virginia and her sister States? Why should he insist on their becoming competitors with northern labor? Why seek to diminish the price of northern labor? It was not the interest of Great Britain to let a single clothes-pin or shoe nail be made in America, or any other article from the manufacture, sale, and transportation of which she might derive a profit; and the same may now be said of the northern States of this Union with reference to the South. The northern States, in their trade with the South since the Declaration of our Independence, have taken the place of Great Britain; and it seems to me that northern politicians are sadly betraying the best interests of their constituents when they interfere with southern institutions and set the different States of our common country by the ears for the sordid purpose of obtaining power. They quarrel with their best customers, the natural ally of northern industrial labor, and the best protector of the northern capitalist whom they enable to live in peace with the men in his employ and to accumulate colossal fortunes.

There must be a conservative power somewhere in this Union, and it is in vain to look for it among the constant mutations and changes in the northern States. The South, from the nature of its institutions, is slow in its movements; but for that very reason eminently conservative. The South is indispensable to the prosperity of the North. The North is beneficial to the South only as long as it fulfills the conditions of the constitutional compact, entered into to secure to all parties the peaceful enjoyment of their institutions and laws. I have deemed these remarks not inappropriate, and as due to the argument of the Senator from New York, regarding him as a great leader and as a distinguished political economist. Let me now beg your indulgence while I examine the sentimental part of the slavery question. It is my humble opinion, Mr. President, that the slavery question, with which professional politicians are endeavoring to agitate and disturb the country, would long since have ceased to be an element of mischief, if it were not constantly kept alive and pressed on the consideration of the public as a question involving the highest principles of morals and religion. Teachers and schoolmasters have acted as auxiliaries to political partisans, until at last they inflame the fanaticism of their deluded victims to deeds of treason, bloodshed, and murder.

The evil lies in the misconception, on the part of the people of the North, of the institution of negro slavery as it exists in the southern States, and in the wrong estimate formed by them of the character and faculties of the negro. I may be permitted to speak freely upon this question, for I do it dispassionately. I represent a free northern State; I am a native of a northern State, as were my ancestors before me; but I have had sufficient experience, by a residence of a few years in a southern State, to thoroughly appreciate and understand the relation that the negro slave bears to his master, and I also believe that public opinion in time will right itself upon this subject. But

it is the nature of error to travel fast, and of truth to make progress slowly. The one has wings, the other, the slow march of the pilgrim. In this consists the danger. The slavery question, it is my humble opinion, would be set at rest in a very few years if we would only apply ourselves earnestly to the study of the nature and history of the negro, instead of endowing him with qualities furnished from the rich stores of our own imagination.

The negro is, undoubtedly, a worthy man in his place; but he never will be a participant in civilization in an equal degree with the Caucasian. It is sheer nonsense to treat this matter in the abstract; to speak of what the negro would be if he were educated, and of what achievements he would be capable in the various departments of human industry and knowledge, if he enjoyed the same advantages as the white man. All such arguments and suppositions are nothing but moonshine—a mere begging of the question. They amount to nothing more than the various theories of government established by philosophic dreamers without a knowledge of men's passions and vices, and the means which are necessary to restrain them. History is the only safe-guide to the lawmaker, as it is the last judgment pronounced on nations and races.

Instead of inquiring what the negro *might be* under different circumstances from those in which he is now placed, let us consult the past to see what *he has been* from the earliest period to the present day. The earliest civilization which we can trace by historical records occurred in Egypt, and we find that the negro was already associated with it as a slave. His native country may be said to have bordered on Egypt; yet no Egyptian civilization penetrated thither, and no traces of it are now to be found among the negro races in Africa. Greeks, Phœnicians, Carthagenians, and Romans followed. The negro was again brought in close contact with them, but without profiting by their advanced civilization. Then came the Portuguese, Spaniards, French, Dutch, English, and the Americans, with nearly the same result.

The negroes who became subject to those nations or their colonies were slaves. Some were emancipated; none carried civilization into Africa; and that continent, though the cradle of genius, is at this moment the most barbarous of all and the least known to the geographer and historian. The history of the world is the history of the Caucasian race; making a distinct and an uninterrupted *progress* even amid crumbling empires and the ruins of burning cities.

Sir, if every trace and record of all other races were destroyed, the world would not be deprived of a single noble thought or artistical conception, nor of a single invention or contrivance in mechanical arts capable of exercising an important influence upon civilization. *Progress*, Mr. President, is a Caucasian term, existing in all Caucasian languages, and expressing the characteristic faculty of the race. Let the Caucasian race disappear from the earth, and you will have nothing left but the stereotyped civilization of the Chinese and Japanese, and the barbarism of the Ethiopians. And from these historical premises would our northern Republican philosophers argue that the negro only requires the same advantages of education as the white man to be equal to him in every respect, and to maintain all the relations of a civilized state? Sir, the negro did enjoy the same advantages as the Europeans enjoyed them centuries in advance of European civilization.

Negro tribes were subdued by their white neighbors, and forced, as they are with us, to adopt certain principles of humanity and law for the regulation of their conduct; but these principles did not cling to them, for they were not *voluntarily* adopted, and were repugnant to their tastes. When the condition of the negro was changed, when the pressure which forced him to move in a particular direction was removed, he gradually relapsed into his native barbarism. Nor does the fact that civilization was forced upon the negro furnish an apology for the little progress he has made in it. The different European nations conquered by the Romans exhibited very different capacities. Ancient Gaul was completely civilized within a century after the Roman conquest, while the Teutonic races, who were never entirely subdued, never adopted Roman civilization until centuries after the fall of Rome; but they all adopted it *voluntarily*, and *improved* upon it, whether as conquered races or conquerors. They bowed to the superior genius of those who were further advanced in the arts, and retained and cherished the models of taste and thought as the most invaluable treasures of the whole human race. The Romans pursued this line of policy in regard to the Greeks, and all European races have done so in regard to the Romans.

The negro has done nothing like it, and is doing no such thing now. He merely *adheres* to civilization when he is obliged to move in a civilized medium. Under the most favorable circumstances he has been but an humble imitator; in no instance has he exhibited a civilization of a distinct character, amounting to a national development. The history of human progress can be written without devoting a separate chapter to the negro. He has taken no part in the development of the human mind; he has furnished no contributions to arts, and he has never exhibited any capacity for that superior political organization called a Government. Sir, we have no other means of judging individuals, nations, or races, except by their works; and applying this principle to the negro, we see that he has done nothing. Under the direction and guidance of a superior race, he may at times have rendered himself quite useful, but we have no proof that he has ever voluntarily played such a part; and until history furnishes us with an example of that sort, I shall be the last man to call upon my white brethren of the southern States to inconsiderately remodel or change their domestic institutions.

We have nothing to do with speculations in regard to the physical and moral capacities of the negro. We have, as legislators, to deal with facts, not with theories; with things as they are, not with myths and abstractions. Whether the negro was the equal of the white man before the flood; whether he is a lineal descendant of Adam and Eve, or the result of a previous or subsequent creation, is no question for a law-maker, and intrinsically of little or no value. We have to deal with the negro as he is, as he has shown himself from the earliest periods of human history, and as, from our knowledge of him, he is likely to be centuries hence.

Kept in proper subjection, and guided by a superior intelligence, he may be both happy and useful on this continent. Left to himself, and but imperfectly restrained by the operation of law, his presence among us may give rise to great national calamities, and seriously interfere with our domestic peace.

I do not think the agitation of the slavery question will benefit the negro or improve his condition among us, while it undoubtedly weak-

ens the ties by which ourselves are bound together as a nation, and exposes us to all the evils of a people divided by sectional passions and prejudices. If you, gentlemen of the Republican party, are sincere in your profession of philanthropy, if you really want to improve the condition of the negro, and not merely to use him as a stalking horse to ride into power, let him alone, and cease agitating the country with your seditious eloquence and your arguments addressed to spinsters. The people of the southern States will not be instructed by your teachings; your counsel will be spurned with indignation, and your professions of fraternal feelings will be received with very little faith in your sincerity.

As long as you make the slavery question the battle-cry for your sectional adherents, it is impossible for the South to trust you or to look upon your proceedings with indifference. Abandon it, and the South will again unite with us upon all questions concerning our common welfare. The South claims nothing but her constitutional rights. The North is already in possession of all the real practical advantages of position and power. The South is willing, and must submit to an accomplished fact. Why should the North insist on upsetting the constitutional theory or heaping opprobrium upon an institution for which the South is not responsible, and with which the North has no right to interfere? There is a universal law of nature that life of any kind, whether vegetable or animal, will go wherever there exists the conditions of its existence, and the same holds of men and races.

The negro will go on this continent, wherever may be found the conditions of his existence, wherever his labor is profitable, and wherever, under the protection of his master, he is safe from that competition with his labor, which is sure to be his destruction and death; *and he will go nowhere else!* Now, why should you insist on making by-laws to the laws of God, useless and puerile in themselves, and offensive to a large portion of the people of this Union? The Kansas question has long since been practically settled. It was settled only by the universal law of nature just quoted. By letting slavery alone, it will always quietly work out its own destiny. If interfered with by us of the North—if artificial checks or artificial stimulants be applied—the consequences may be disastrous to both the black and the white races, and equally so to our laws and institutions. The "irrepressible conflict" with which we are threatened, is the creation of politicians for their own ends. It does not exist in reality, and cannot take place until the Constitution is torn into fragments, and the bonds of our Union are destroyed forever.

Slavery has existed in the United States from the time of the adoption of the Federal constitution, and we have prospered with it as a nation.

The northern States have abandoned it, because they found it no longer profitable to them; but they have done but little, if anything, towards educating the negro, and liberty has not materially improved either his conditions or his morals. That which the North has done for the negro is very far from inviting the South to follow its example. The South cannot afford to have so large a portion of its population abandoned to idleness and vice. It cannot, with the same facility as the North, replace black labor with white labor; and the cotton, rice, and sugar States cannot do so at all. What control of the negro could be substituted in these States for that of their present condition?

I know of none, and the Senator from New York knows of none. He would be sadly puzzled if the South, instead of repelling his views, were to accede at once to them, and to ask him to furnish the means to carry them into practice without ruining the South, and injuring, in the same ratio, the North, and without reducing the negro himself to a worse condition than that in which he is now content, happy and useful. Yet that which the Senator from New York cannot do himself, which his whole party is incapable of accomplishing, he is determined to force on the South, by representing it to the whole country as an unavoidable issue, as an "irrepressible conflict." He asks the people to choose between African slaves and white freemen; as if such a question could really be put; as if such a practical issue could ever be presented to the country. The conflict between African slaves and white freemen exists nowhere, and least of all in the southern States.

The white freeman and the African slave will never, *never* come in conflict with one another, so long as each shall preserve his proper place, so long as aspiring politicians and political demagogues shall be prevented from conjuring up delusive phantoms, with which to disturb the imagination and trouble the good sense of the people. Slave labor and free labor, so far from being opposed to one another, assist each other mutually by varying and multiplying production. As long as the southern States shall employ slave labor, they will be the best customers of the North, and the negro, instead of conflicting or competing with free white labor, will serve to keep up the price of it. As long as the negro is usefully employed in the southern States, he will stay there, and not go to the North to compete with the wages, either of the white native freeman, or of the immigrant from Europe. The conflict between the African and the white man *can only begin with the emancipation of the negro, not before!* There is no disposition on the part of the South to force slavery upon the North, no more than there is a disposition on the part of northern manufacturers to force their fabrics on a bad market.

The South is merely contending for her constitutional rights, no more; and to refuse to acknowledge these is an infringement of the constitutional compact which binds us together as a nation, for no possible advantage to either section. The "irrepressible conflict" is a northern abstraction, alike opposed to the Constitution, the Union, and the best material interests of the whole country. It is nothing but a political formula, spreading dread and alarm throughout the land, inviting to sectional passions and prejudices, and inflaming the fanaticism of men who would otherwise be useful members of society, and in pursuit of some profitable business. The "irrepressible conflict" is a political lever in the hands of sectional politicians, not an unavoidable issue between the different sections of the Union. As to the query of the distinguished Senator from New York, "whether civilization can improve, whether Christianity can save?" I do not see what application it has to the slavery question. Civilization necessarily takes different forms, and there are some forms of civilization which are no improvement at all, either to the physical or moral man.

Few of us would wish to revive Greek or Roman civilization, though both were, in some respects, superior to our own. The French are the most eminently civilized people of Europe; yet none of us would willingly transfer French civilization, with all its concomitants, to our shores. The proposition that civilization improves, must

therefore be taken *cum grano salis;* and I would especially except from it the civilization which seems to be the *beau ideal* of the Senator from New York. As to the other proposition, that "Christianity can save," no one can deny it. But the Senator from New York is so renowned an expounder of the "higher law," that a doubt may reasonably arise whether Christianity, *as he understands it*, is the same as that which our simple forefathers practiced when they framed the Constitution of this country; and whether the saving qualities of that species of Christianity actually extend to the toleration of such errors as the Senator from New York wishes to propagate throughout the length and breadth of our land.

Sir, religion has gained nothing from being mixed up with politics, but may lose much of its sanctity in the estimation of men by being made subservient to partisan ends. I will not follow the honorable Senator from New York, into what I conceive is a labyrinth of error and confusion, much less will I imitate his example. The Christian religion is one of peace, not of strife and contention. It does not, like that of Mohammed, present an "irrepressible conflict" between the faithful and the infidel, to be terminated in the last instance by the sword. Hence the great distinction between the Christians and Turks, and hence the adaptation of Christianity to modern civilization, and the incompatibility of Mohammedanism with all rational progress in politics and morals.

Jesus Christ, the Divine founder of our holy religion, lived and talked surrounded by slaves, subject to a Roman master, and yet nowhere did He preach the doctrine of the "irrepressible conflict," or stimulate the Jews to rebellion and bloodshed. It was those who believed in the "irrepressible conflict" that called for His crucifixion.

I have said that it is the duty of the North to let slavery alone. If all parties were agreed on emancipation, they would be at a loss for the means to accomplish it without ruining the prosperity and industry of the whole country and destroying the negro. Experience, the only safe guide of the statesman, has shown the danger with which such a subject is surrounded and the destructive consequences to which it may lead. In the face of historical results, produced elsewhere, under circumstances far more favorable than those in which our southern States are placed, and under a Government possessing far greater coercive powers than our own, we are bound, looking to their example, to exercise caution. The West India experiment is not inviting us to hazard our peace, our security, and the great commercial and industrial interests of this country, by yielding to the demands of political fanatics, who would substitute sentiment for duty, and their own views of right and wrong for the Constitution and laws of the land. Government, as has often been remarked, is a business, not a sentiment; and he is but a poor statesman, though he may be a successful politician, who views it in a different light and acts upon a different principle.

We are continually told in this body that the Republicans, as a party, do not intend to attack slavery in the slave States, but merely mean to confine it to its present limits. I cannot believe such declarations are founded in truth or are sincere on the part of those who make them, and are to my mind utterly incompatible with the organization of sectional parties. As long as there is a party in the United States which does not recognize the Constitution and the decisions of the Supreme Court as the supreme law of the land, as long as a party

is permitted, as a *sectional* party, to revile the institutions of the South and to excite hatred and contempt for them among its adherents, there can be no peace, no safety for the South, and consequently no fraternal feeling between the people of the different sections of the country, and no national sentiment in the loftier sense of the word.

The *whole* slavery agitation must cease, the "irrepressible conflict" must be abandoned, if our Federal Union is to be preserved; if we are again to act in concert with one another and weigh in the scale of power as a united and kindred people.

I, for one, am willing to recognize the supremacy of the Constitution. I am willing to submit to the decisions of the Supreme Court, and to adhere, to the fullest extent, to the compromises which our fathers entered into for the sake of peace and union, and which it is our duty to uphold and defend for our common safety. There is no security, no peace, no hope for our institutions and laws, or for the continued prosperity of our country, in any other course; and the time is close at hand when the immense majority of the people of all the States, North, South, East, and West, will come to the same conclusion.

Fanaticism may prevail for a while, but our people are too eminently practical to be for any length of time led into error, or made to war on their best interests. Even now, while professional politicians are hard at work to keep the excitement alive, they are rebuked by the sound, sensible, business men of the country, who repudiate them and their pernicious doctrines in the most effective manner, by the total indifference with which they behold their proceedings, and the renewed energy with which they devote themselves to their accustomed pursuits. The people of this Union, Mr. President, are not alarmed. They neither covet nor desire an "irrepressible conflict." They pursue "the even tenor of their way." They toil to become rich; and the business of the country is going on as usual. Why is this? The reason is, the people know they have the power to control the politicians, and if necessary, can put them down. The people know of no *conflict*. They are willing to go on as they have done, content, prosperous, and happy. They want no other constitution than the one inherited from our ancestors; no other sovereignty than the one they have always enjoyed from the Declaration of our Independence. We have as yet no class among us hopelessly doomed to poverty and want. Our institutions give all men an equal chance; and if all do not succeed, if all do not become opulent or rich, every one, nevertheless, has a prospect of success, which animates him and stimulates him to individual exertions.

Sir, the slavery question has lasted too long. It has been productive of no good, but it is fraught with great mischief. It has disturbed our amicable relations; it has sown the seeds of distrust, discord, and hatred between different sections of the same people, and it is threatening our existence as a nation. It is surrounded with dangers in every direction, and saps the very foundation of our Government. The people of the State which I have in part the honor to represent yield to none other in attachment and devotion to the Union. They view with deep regret the efforts of those who seek to obtain power by weakening this attachment, and are resolved to throw their weight and influence in favor of the laws and institutions as they stand. California wants no new code—neither a "slave code" nor a "free-soil code," nor any new theory of "popular sovereignty." She respects

and will ever cherish a proper regard for established laws and vested rights.

The Constitution, as handed down to us by Washington and Jefferson, answers all our purpose. We ask nothing more, nor are we willing to content ourselves with less. We will not allow that sacred instrument to be mutilated, nor shall—as long as we have a controlling voice in the national affairs—any new interpretation be put on its provisions. The Constitution is good enough as it is; the laws are satisfactory to us, and shall be faithfully executed as far as we are concerned. But I fully agree with the majority of my colleagues on this floor in the opinion, that if the Judiciary and Executive authority of the country do not possess the means to insure adequate protection to constitutional rights in the Territories of the United States, or if any territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply that deficiency. I am willing to aid in the performance of that duty whenever a proper exigency arrives; but I am utterly opposed to anticipating it, because I have an abiding confidence in the loyalty and patriotism of the people, and in the ultimate good sense of those who, however misled they may be by professional agitators or by their own passions, need only be made to perceive whither their doctrines will carry them, to return at once to their allegiance, and to a proper appreciation of their obligations as citizens of the United States.

I am opposed to all anticipations of evil, because I feel assured that the country is not yet in that lamentable situation in which legislators must take counsel of their fears. I have too much faith in the conservative sentiment of all the people to suppose that they will ever patiently submit to a deliberate infringement of the Constitution and the rights of the States, if they can be made to understand the purport and consequences of such an act. I think our institutions are strong enough and sufficiently endeared to the people of every section of the country to be maintained without additional legislation, and I still hope that any section which may feel aggrieved by the course to which the excess of party feeling is now tending, will find ample relief *inside* of the Union, and under the protection of the coordinate branches of our Government.

The remedy for any wrong that may be inflicted on any portion of our beloved country is still in Congress, in the President, and in the Judiciary. As long as any one of these coördinate branches performs its duty to the whole country, we are safe; and until they all prove derelict to their solemn engagements, no fear need be entertained in regard to the Union.

Admitting that the South has strong reasons to be offended and to feel aggrieved by the proceedings of one of the political parties in the northern States, I still hope to defeat that party by the patriotism of that portion of the people of the North who have remained true to the Constitution and the Union, and by the united action of the South itself. If, however, I am mistaken in my hopes; if a sectional President is to be elected by the preponderance of a sectional party, then I would still pause to see whether none of the coördinate branches of our Government was faithful to its trust; and if I found the Senate and the Supreme Court of the United States so constituted as to afford sufficient protection to southern rights, I would abide their action, and trust to their power to uphold the law and Constitution until "the sober second thought" of the people came to the general rescue.

Sir, I have an abiding faith in the people; in their common sense, their love of justice, and their patriotism. Unless we confide in their virtue and good sense, we deny the possibility of republican government. Without such confidence in the people, our Government is, in its very inception, a miserable failure. I hope we are not yet reduced to make such a beggarly confession of our incapacity for self-government, as to declare, in the face of the civilized world, that we are morally and politically bankrupt, while all Europe points to our institutions and laws as models for imitation, and to our success as demonstration of their soundness. We have incurred a heavy responsibility to our cotemporaries and to posterity by the example we have set, by the expectations we have raised, and the desires we have kindled in the hearts of millions; and, as an humble Senator of the United States, I am willing to acknowledge that responsibility, and to devote whatever share of talent and energy, God may have granted me to the preservation of our institutions and laws, with and through the assistance of the people.

In regard to the Territories, I hold, that they are the joint property of all the States; that they were acquired by the common blood and by the common funds of all the people of this Union; that all the people have a right to go there with such property as they may see fit to take, and are entitled to the protection and enjoyment of it so long as they remain in a territorial form of government. I agree with the sentiments of the honorable Senator from Illinois, (Mr. DOUGLAS,) as expressed so far back as 13th of February, 1845, in his speech on the admission of Iowa and Florida into the Union, reported in the fourteenth volume of the Congressional Globe, wherein he says:

"That the father may bind the son during his minority, but the moment that he (the son) attains his majority, his fetters are severed and he is free to regulate his own conduct. So, sir, with the Territories; *they are subject to the jurisdiction and control of Congress during infancy, their minority*, but when they attain their majority, and obtain admission into the Union, they are free from all restraints and restrictions, except such as the Constitution of the United States has imposed upon each and all of the States."

This was the old-fashioned doctrine in regard to the Territories, and it suits me on that account. I want no new interpretation, no interpolation, no new hair-splitting distinctions on this subject. I am against all innovations, except they are recommended by some practical utility, and especially against all new theories which appeal to the feelings and prejudices of men without adding to their stock of information.

This Union, Mr. President, is much stronger than many of us believe, and will prove inseparable whenever the parricidal hand of faction may be raised to destroy it. Every government is growing stronger by the exercise of its legitimate powers, and so will our own. It is only when a government endeavors to exercise powers, which do not belong to it that it becomes weak and tottering, until at last it crumbles under its own weight.

If the executive and both legislative branches of the Government—the Senate and the House of Representatives—were to fall into the hands of reckless partisans, and these should try to overthrow the Constitution, I would still appeal to the *Supreme Court*, and if that appeal were equally ineffectual, this Union would indeed be dissolved by the *act of the Government itself;* but we, who had remained faithful to it to the last, would *not* be answerable for the consequences.

Each State would then be reduced to the situation which it occu-

pied before the foundation of our Federal Union, and obliged to work out its own salvation with the means it may possess for that purpose. We in California would have reasons to induce us to become members neither of the southern confederacy nor of the northern confederacy, and would be able to sustain for ourselves the relations of a free and independent State.

When my colleague, as it is said, stated upon this floor "that, in case of a dissolution of the Union, California would unite herself to the South," he committed a great error.

Mr. Gwin. If my colleague will give me an opportunity, I will state that I never said so here or elsewhere. I have never made that statement on any occasion. It was so utterly destitute of truth that I did not think it of sufficient importance to contradict it, unless some allusion was made to the subject in the Senate; and I am obliged to my colleague for referring to it, and giving me the opportunity of contradicting it. I hope, Mr. President, that this Union will be imperishable; but if it is ever broken up, the eastern boundary of the Pacific Republic will be, in my opinion, the Sierra Madra and the Rocky Mountains.

Mr. Latham. Mr. President, I am glad that I have given my colleague an opportunity of correcting this erroneous impression; for he knows as well as I do that we have resources not possessed by any other State of the Union, while our population comprises the most enterprising and energetic men of the country. Why should we trust to the management of others what we are abundantly able to do ourselves? Why depend on the South or the North to regulate our affairs? And this, too, *after* the North and the South had proved themselves incapable of living in harmony with one another?

The Pacific States are separated from the northern and southern States by a long chain of sterile mountains, by vast deserts, and can be reached easily only by crossing tempestuous seas. The northern Atlantic States are not separated from the southern Atlantic States by any natural barrier. There is no intervening chain of mountains running from east to west; and river courses, as a means of communication, unite people instead of dividing them. If this Union, of which California is now proud to form a part, were to be dissolved, we on the Pacific coast would possess eminent advantages over the Atlantic States. You of the southern, northern, and western States would have to fortify your towns, maintain standing armies, and incur vast expenditures to preserve that independence which we would possess as a gift; and you would fight with one another, as the States of Europe have fought for two or three centuries, to establish a balance of power. We should be subject to no such vicissitudes and should incur no such dangers.

In the long wars which would necessarily follow dissolution, some of your States would entirely disappear, while others would retain but a precarious existence by alternately allying their destinies to one section of the country or the other, as the arms of this or that party might have conquered a momentary ascendency. To all these mutations and changes—which would involve your rights, your fortunes, and alas! your honor—we should be exposed in a far inferior degree in proportion as we observed a strict neutrality in regard to all of you.

We would regret your feuds, we would deplore the fraternal blood shed on your battle-grounds, we should weep over your declining

prosperity, your trodden-down fields, your deserted harbors; but we could not, with our eyes open to the fatal consequences of such an act, involve ourselves in your fratricidal strife and mutual ruin. California, as I have already observed, yields to no State in loyalty and devotion to the Union. She will, with all her youthful energies, and with whatever means Providence has placed at her disposal, struggle to maintain the Constitution and the laws under which we have prospered as a nation. She will afford no aid and comfort to fanaticism; but combat it manfully and hopefully, in accordance with the promptings of her own generous heart—her gratitude to the Union, to which she is indebted for so many benefits already bestowed, and in accordance with her most sacred duty as a member of this noble Confederacy. She will continue to do so with a full and firm reliance on the assistance of other States equally loyal and attached to the Union, equally disposed to come to the rescue, and with undiminished faith in the national sentiment of the whole people.

But, if all the efforts to preserve the Union should prove unavailing; if the fury of party should triumph over the devotion of the patriot; if mutual hatred and contempt among the States should take the place of love and mutual forbearance; if this glorious Union, strained and torn in different directions, should at last be rent asunder and destroyed forever, then, like the wrecked mariner, who, amidst his sense of woe at the loss of his noble ship, follows the instinct of self-preservation, California would try to save herself, though her existence afterwards would be one of mournful solitude. I cannot, Mr. President, think that the Union will be—on the contrary, I believe that it cannot be—dissolved, except by the complete and hopeless inauguration of Republican principles *in every* department of the Federal Government. And for this reason, I do not believe that this magnificent country of ours is destined, as is too often prophesied in this Chamber, to be torn asunder by internecine strife; that her virgin soil will drink fraternal blood, and her pristine forests will re-echo the battle-cry of hostile factions.

But if I am wrong, and we must do battle upon the slavery issue, Mr. President, as your illustrious kin (Rev. Robert J. Breckinridge, of Kentucky) advised, let us do battle within, *within* the Union, *under* the Constitution and laws of our common country. In such an issue, animated by loyal sentiments to our country, the intelligence and virtue of a free people aiding in the hour of trial, *the right*, whatever it may be, cannot fail, all the threats and prophesies of faint-hearted men to the contrary notwithstanding. For, sir, this Union is too firmly established in the hearts of the American people to be severed by fanaticism; our national prosperity is too great and too generally diffused to be abandoned for the dark and gloomy future of an isolated and divided existence.

The God of nations has showered too many blessings upon us, to withhold from us, in such a crisis, involving our country's fate, his saving grace. This Union, sir, will prove as invulnerable as steel and adamant, and it will stand like a rock amid the raging storms, unshaken, unchanged, unpolluted by the war of contending elements; and so will the *Constitution*, the embodied wisdom of our forefathers, the cherished legacy of high-minded men, who have not intrusted the palladium of their freedom and the talisman of their success to an unworthy, degenerate posterity

SPEECH

OF

HON. MILTON S. LATHAM,

OF CALIFORNIA,

Delivered in the U. S. Senate, February 1, 1861,

ON THE

President's Message, — "The Mission of Peace from Virginia."

WASHINGTON:
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1861.

SPEECH.

The Senate resumed the consideration of the message of the President of the United States, communicated to the Senate on the 29th instant, the pending question being on the motion of Mr. MASON to print extra numbers

Mr. LATHAM said:

Mr. PRESIDENT, I have heretofore studiously avoided referring to the present unhappy condition of our country. Nothing which a representative from California could have said, would allay a fraction of the prevalent excitement, or persuade Senators to follow the path of patriotic duty.

That State has no immediate vital connection with the irritating cause, the consequences of which are now before the American people, excepting the deep interest her citizens naturally feel in the integrity of a country and a nationality as dear to and as much valued by them as by any other portion of the Confederacy. Enjoying an immunity from the horrors so graphically depicted by Senators, to which we seem inevitably drifting, lying peacefully in the arms of the great Sierra Nevadas which encircle her, she contemplates, dispassionately, the dangers encompassing the nation's pathway, and the many remedies proposed. I conscientiously desire to speak with her voice, and to act as I believe by her dictation, upon the present or future events.

Melancholy as it is, disunion—a word which, some thirty years ago, the immortal Calhoun did not venture to pronounce, a thing which even the boldest among us scarcely ventured to *infer*, and which was inferred rather *in terrorem* than with any expectation of realization—has now become familiar to American ears as household words. Men who would have shuddered at the whisper ten years ago, are now compelled to grapple with it hand to hand, to calculate the greater or less disastrous consequences which must follow in the train of that, so terrible a catastrophe. What but a short time ago was the midnight dream of a few isolated men, has now become a fearful noon-day reality, with which we have to deal as men and legislators. It is needless, now, to regret; to review the steps and measures, the men or parties, by which this monstrous change in the hearts of so great a portion of our countrymen has been brought about,—to make this or that man responsible for the mischief. These empty seats too plainly tell us that the evil is upon us, and we must palliate or arrest it as we may.

It is impossible to deny that the ties of fraternity which once bound the States as a nation have been loosened, if not altogether broken; that men heretofore counted as patriots, north and south, are looking upon our Federal Government either as tyrannical and unjust, or as too weak and powerless to afford them adequate protection of life and property; and we have arrived at that period in our

brief national history, when our free institutions, instead of inspiring confidence, strike terror and dismay into nearly one-half the Confederacy of States.

Vain is the endeavor to calm the excitement, or to allay the apprehensions of our brethren, by assuring them that there is no new cause for such alarm. Our people belong to a race of men not easily terrified by phantoms of danger, mere creations of a feverish brain. They are accustomed to look realities in the face—to go half-way to meet them. It is this very characteristic of our people which increases the difficulties of the situation, by affording us too little time for consideration and deliberate action.

The South feel less indignant, perhaps, at the wrongs which have been actually committed, than apprehensive of others which may be perpetrated at a time not far distant; and they are as men resolved to meet the issue at the very threshold. They protest against the *theory* of wrong; against any interpretation of the Constitution which threatens their vested rights; and against the exercise of every power not surrounded by those checks and balances which they deem indispensable to liberty, equality, and safety in the Union. As far as this mode of reasoning goes, considering their standpoint, I cannot altogether condemn, though I might not be willing to follow it, to all the direful consequences. I am willing to admit, however, as they boldly assert, that there is cause for apprehension—room for action; the proper question for our consideration being, to what extent are these apprehencions justified, and within what reasonable and just limits ought the action of States to be confined at this momentous period.

I do not propose to discuss the doctrine of secession, as to my mind a greater political paradox was never uttered, than asserting the constitutional right of a State to secede. Its fallacy has been clearly and unanswerably demonstrated by the distinguished Senators from Illinois [Mr. DOUGLAS] and Tennessee, [Mr. JOHNSON;] and nothing else can be added to their lucid exposition. The doctrine enunciated by the distinguished Senator from Louisiana, [Mr. BENJAMIN,] that the States, in forming the Constitution, having failed in express terms to delegate such power as would make the Union permanent, each State has, therefore, among its reserved powers the right of withdrawal at pleasure, is to my mind equally untenable. I admit, as a general proposition, for nothing is truer, that whatever political power is not granted by the Constitution is reserved to the States; but this reservation cannot include what is at once destructive of the powers expressly granted. True, there is no power expressed in the Constitution whereby the States severally part with all right of withdrawing from the Union when they singly or collectively deem their rights trampled upon and their interests violated; but because not so expressed, it does not necessarily follow that it is a reserved right, for the reason that such a reservation would be at variance with, and destructive of, all the other powers expressed. It is saying Government, no Government; it is political life and death existing and ruling at the same time, in one and the same body.

Nor do I propose discussing the "right of revolution," as the distinguished Senator from Georgia, not now in his seat, [Mr. TOOMBS,] boldly and properly

called the action of South Carolina and his own State. That is a right inherent in man; but also a right which must be denied by every existing Governmen, unless it be willing to sign and execute its own death warrant. Neither shall I attempt to justify those who make revolutions; because all such attempts have reference to the morality and the necessity of the act. Revolutions and revolutionary leaders are judged by history; not by civil or military tribunals, though these may take away life and property; by posterity, not by cotemporaries. We may, in a historical sense, speak of the causes and probable consequences of revolutions; but the question of right depends on the issue of the trial, and involves nothing less than the success or defeat of those engaged, and the respective positions of the accused and their judges.

The framers of our Constitution, no doubt, intended to establish *a Government*, and for that reason they could not make provision for its spontaneous destruction. Neither could they have seriously entertained the idea of coercion, as it is generally understood and applied by Senators on this floor, which would have been tantamount to their providing for civil war. The very Declaration of Independence says that all just authority is derived from the consent of the governed, and not from the means the Government may hold at its disposal to enforce obedience to its decrees. Our Government is one of reason, of voluntary submission to constitutional authority, depending for strength and cohesion upon the affection of the people, and on that just and wise administration of public affairs which makes it the interest of States and individuals to uphold and protect it. The framers of the Constitution thought of no other means of perpetuating the Government they had established; and left it, by that sublime omission, no other alternative but to be just, or to perish.

As a check on revolutions, they relied on the loyalty of the States and interest of the people, on their attachment to the Government of their own choice, and on their conviction that it was the very best Government possible for mortal man to establish, because most efficient in securing the great ends of all government—order and protection.

Here, then, we have the historical stand-point from which to judge our present condition, and the inevitable consequences to which, unaltered it must lead. There is no doubt that the continued agitation and harping upon the slavery question in the *non*-slaveholding States for the space of nearly a third of a century, and more than one third of the period of our national existence, has deeply affected the southern attachment to the Union; that it has arrayed the two geographical sections of the country against each other; that it has separated religious communities; that it has planted distrust and hatred in northern and southern hearts, and created that sense of insecurity and injustice to the latter which is less tolerable than a state of open warfare against a declared enemy. Practically, it is worse than idle to say that a conservative sentiment pervades a large portion of the people of the northern States, when the fact stands out in bold relief that the dominant Republican party lives there alone and thrives by the agitation of the slavery question: and that, as a party, it is bound to cherish

that by which it lives and prospers. It is as possible to live without food as for a thorough Republican to exist without the agitation of "the slavery question." Numbers of intelligent Republicans are no doubt fully aware of the enormity of their doctrines, and believe in them no more than the augurs of Rome believed in their own prophesies; but they find anti-slavery sentiments the means of acquiring popularity, influence, and power; and they do not, therefore, think it worth while to use their talents and intellectual capacities in the far less remunerative efforts of sincere and judicious statesmanship. It is at all times a more facile task to excite passions than to satisfy reason.

It cannot, however, be doubted that there is a strong conservative feeling in many members of the Republican party; and that ground may be shared, to some extent, by the President elect; but it is to be feared it may be confined to a very strong desire to preserve the Union without surrendering any of the cardinal points of the Republican faith. All such conservatism, it is needless to say, at this time, is by itself of small practical value. The southern States are not willing to trust their destiny or that of this great nation to such conservatism. They require more than a mere promise to feel sure there will be an abstinence from wrong doing. They ask a public recognition of principles, and an agreement which will render injustice impossible, or at least highly improbable; something which shall not grant to our brethren of the South, from political *charity*, what the Constitution secures to them as a right.

Senators, we are not here a constituent assembly. We have not met to frame a Constitution, or to confide the drawing up of such an instrument to a mere plurality of votes. We are already organized as a definite constitutional Government; as a confederate Republic; and we are bound to preserve that Government in its true spirit, and with all the checks and balances which protect the minority from the encroachments of the arbitrary will of the majority. Nothing is more natural than that the South, whose protest against gratuitous and inexcusable interference has been sounding in our ears for more than thirty years, should now be clamorous to secure, beyond contingency, her rights, resorting even to armed revolution, rather than continue in a state of perpetual political warfare, and personal insecurity.

It is in vain for us of the North to boast of our greater physical power and material resources. The men of the South are our own brethren; they belong to the same Anglo-Saxon race, and will not be intimidated, but rather aroused, by such an appeal to mere numerical disparity. Such devices are not only unworthy of us, but are at all times absolutely wicked and criminal. Sir, if questions nearer home should hereafter divide our own community of votes, who shall say that some men of turbulent spirit, some would-be leaders, inspired with the supremacy of numbers, may not institute unpleasant comparisons between what the many want and the few refuse? The few are always pronounced selfish, and the many always claim in behalf of public justice; for *justice*, according to the satirical expounder of Athenian freedom, (Aristophanes,) is always "*the interest of the majority.*" It behooves us of the North not to

carry our numerical arguments in behalf of the negro too far, lest some one may hereafter apply them to other themes "in the interest of society," and to classes of men not *distinguished* from us, by the aristocratic element of color.

To reiterate, our Government is one of reason; of voluntary submission to law; and it can exist only so long as it is true to itself and its great mission. It possesses from its very nature but a qualified coercive power, and it loses its character, ceases to be a free Government within the meaning of the Constitution, when it employs force for its own maintenance. If the southern States—believing their institutions, the property and lives of their own citizens, no longer safe in the Union, choose to separate and conduct a government of their own, no exercise of power vested in the President of the United States or in Congress can prevent it, however disastrous to public welfare and damning to national reputation such a separation may prove to the aggregate of the American people. I consider it a work of supererogation to enter at all upon the "constitutionality" of such a question.

Let me not be understood as subscribing to the doctrine so often enunciated on this floor, that there is *no* power in the Government of the United States to enforce its own written and acknowledged laws. Sir, I will never so libel my own Government, or the memory of the illustrious men who made it. There is power, complete and adequate, to secure obedience to the law from any disorderly community, or the more serious end of enforcing the letter of the laws of the United States in one State in actual revolt. But the application of such power is always within the discretion of the Government, and the necessity and consequences must be considered. When, therefore, not a community or a single State, but many States, acting in unison, and with the heartfelt sympathies of even others comprising the Confederation, rise up in revolution, with the spirit of one mighty empire, talking here about force and coercion against such a movement is preposterous, idle, and suicidal. Ten million people, believing their hearthstones to be ruthlessly invaded, their domestic institutions destroyed, and their nationality degraded; their equality in a Government, resting alone on equality, annihilated: sirs, not all the armies from the time of the Cæsars till our day could force them to adhere, to love, or to obey a Government whose executive power is irretrievably and openly committed, as they believe, to the pursuits of such aims under the name of party principles. If such power of coercion were even constitutionally vested in the President and in Congress, we are called upon to say how can it be profitably exercised.

It is very clear that as long as the North and the South quarrel with mere complaints and grievances, even to separation, there is still a possibility of their again coming together and drowning past differences in mutual oblivion; but if fraternal blood is once shed, no reconciliation is possible.

"Earth hath no rage like love to hatred turned."

Success on one side or the other will stimulate to further action till all is lost or won in an unnatural struggle. Appeal once made to the sword is irrevocable.

A substitution of brute force for reason transforms, at once, a dissatisfied brother into a relentless enemy. The American people are neither prepared for, nor will they justify, such issue. The recent presidential contest was fought with no such aim. The people during that canvass could not foresee the issue as now precipitated—the first fruits of an empty victory. Pennsylvania fought the battle on the tariff, not on the slavery question. The northwestern States could not have realized, in my judgment, their true position, or their action would have been different. Settled in great part from New England and from Europe, their social distance from the planting States of the South made them lose sight of the intimate connections between the prosperity of both. Excited by a spirit of fanaticism, artfully engendered and nourished by selfish politicians, they looked upon the last presidential election as a struggle for power, not only between the North and the South, but between the great Northwest and other geographical sections of the Union combined. But whether the West was to rule by military force, by marching squadrons and battalions into the field to subdue their southern brethern, was not involved in the contest.

It is my belief that the position in which the whole country is now placed, is one not foreseen by the North previous to the last presidential election; and I feel certain that the people, so far from provoking the result, thought it more distant than ever; that the northern mind was led into error through not sufficiently appreciating the Federal relations; and that, if proper time and means be afforded, public opinion will right itself, and furnish, before it is too late, the most substantial proof of its conversion to true constitutional doctrine. Democratic institutions are, from their nature, apt to lend themselves to popular delusions; but they also possess the most efficient and admirable means of quickly correcting popular error, of making amends for whatever wrong they may have committed, and of avoiding similar mistakes in the future. All that is now wanted is time for reason to reassert its sway. The victory which the Republican party so glories in achieving, is itself but a popular delusion, which will end, in my judgment, in the party's final destruction, never again, even by the admission of its founder and champion on this floor, to reappear under the same name. The fruits of that victory have turned to ashes in their mouths, and the deception will become as patent to the whole country as it is now to all a foreboding of terror.

And now, sir, let me say to the South, that great as may have been their provocations, they have as yet no right to suppose that remaining in the Union dooms them a hopeless prey to northern fanaticism. Though pluralities and majorities may have gone against their wishes in nearly all the northern States, much of that unfortunate result is due to the divisions among their own friends, and to the consequent distractions of the Democratic party. Yet the Democratic vote, even under these most disadvantageous circumstances, has been large, showing what substantial elements are still left in the northern States to build a great party upon; showing how few conversions from sectional to national principles are required to make a constitutional party of law and order at the North, the potent

shield and protection of the South. That party will stand by them in a peaceful solution of this whole question. It will stand up for their just rights under the Constitution in every State Legislature, in every county, city, town, village, and hamlet throughout the length and breadth of our land. It will combat in their very strongholds, and, under God's providence, *crush* the heresies and false idols which have been set up to misguide the people, teaching at their altars hatred and contempt of heart, instead of fraternal love and attachment to our institutions and laws.

It seems to me but folly in the South to consider all as lost, and their condition in the Union intolerable, while they and their friends possess a majority in both branches of the national Legislature, and while the Supreme Court of the United States stands unimpaired, ready and powerful to uphold the Constitution. Conceding that there is cause for apprehension; allowing that there are dangers staring us all in the face; that the history of the past show a continued estrangement on the part of the North, and a continued and progressive inroad on those institutions which the South deems indispensable to her prosperity and happiness, why should she, at this critical and unfavorable moment, separate ingloriously from her northern friends, when, united, we could surely overthrow and put to route the common enemy? The stakes are so tremendous; the moment is so pregnant with unutterable woe to the country, and even to mankind, that we may well be prompted to demand a respite, before we, as well as herself, are plunged into ruin and national annihilation.

How can a permanent separation be justified to the civilized world while there is any hope of self-protection or safety under the Constitution? What will be her condition and prospects when she has accomplished separation? I am ready to believe she is prepared to make great sacrifice cheerfully; but the administration of a Government must be based on something else than mere self-sacrificing patriotism. It must be conducive to the lasting happiness and prosperity of the people. A separate confederacy will require a standing army. Bordering on hostile and fanatical neighbors, fortifications along the frontier are imperative. All these things will require vast outlays and involve expenditures, diminishing the available means and consuming the substance of the people. The North compelled to do the same thing, we shall both grow poor at the same time. The very presence of hostile forces will necessarily lead to collisions, in which one or the other section, according to all the chances of war, may be victorious.

But will such a state of things increase the security of either? Will an enemy subdued to-day fail to renew the combat to-morrow, until the country shall be a vast military camp, bristling with arms to assert a principle? The Union, first forcibly divided into two confederacies, by the example thus set, may be, at any dissatisfaction, subdivided into many, and they, after the example of Europe, would engage in mutual wars, contending for that chimera, "the balance of power," so ealously sought after by the diplomatists, and forever disturbed by every man of

decided talent who cannot but give a momentary ascendency to the power over whose destinies he is for a time called to preside.

Secession, as it now appears, is the foundation for endless civil war, which will entirely change the character of our people, transforming their present peaceful pursuits and habits of industry into lawless adventure, reckless brigandage, and barbarism. We read history in vain, and study human nature to very little purpose, if we believe that, with such a general demoralization of our people, republican forms of government could be preserved in any one section of our glorious Union. Military commanders, sustained by cumbersome standing armies, would soon acquire the power not only to defend the State, but to rule it; becoming military dictators, they would use the power conferred on them for its perpetuation. Republics in name only, external struggles would be quickly followed by internal ones of rival factions and rival Cæsars. Believe me, Senators, the day we violently separate tolls the death-knell of our liberal institutions. They may exist nominally for a while, but their spirit is fled; our people will have lost all vital strength or moral courage to cherish or uphold them. The body may retain its warmth for an hour, but the rigid and expressionless features tell the sad tale too surely.

And what would be the financial condition of our country, North and South, in case of violent separation? The expenses of Government would be doubled, and as divisions ensue, tripled, quadrupled. Each State, confederacy, or confederacies would have its officials, its foreign and domestic relations; and in addition to these, relations among themselves, not always of the most amicable and satisfactory nature. The North would have its line of custom-houses along the southern frontier, while the South, acknowledging free-trade with all the world, would resort for revenue to direct taxation, with a retinue of tax-collectors. Each section—or sections, for Heaven only knows the number — would have its supreme court, its army and navy, its diplomatic and consular agents, and its separate treasury. All these additional expenditures would be entailed upon the people, already suffering a vastly diminished revenue, and lamentable falling off in trade, navigation, and commerce.

The southern States which, in a financial point of view, are now the most magnificent colony of the North—consuming northern produce and manufactures, and employing northern mechanics and northern ships—will exchange its great staples for the manufactures of England, France, and Germany; allowing foreign merchants and foreign navigators to earn commissions and freights—thus helping to build up European cities, increasing the wealth and influence of European powers.

That influence of European diplomacy and intrigue which has been kept aloof and shut out from us by our Federal Union, would soon make itself felt in all our foreign and domestic relations, until, with the mere shadow of sovereignty, divided into several confederacies, we should again be reduced to a colonial state, not with one European power alone, but half-a-dozen claiming our allegiance and disputing our possession.

Even our title of "American" would disappear, and we be known in England as the tribes of Indians, only by their specific names. What respect would the citizens of these isolated States or small Confederacies command at European courts? How would the diplomatic agents of our dissevered Republics be received at the Court of St. James or at the Tuilleries? Representing a small State is no disgrace; but to represent the disjected members of a great nation, at a court where the whole country had once commanded not only respect, but honor and admiration, is a position to which few persons would aspire,—to be regarded in London and Paris but as parade ministers or small suitors, and, at the best, but as intriguing against a portion of his former countrymen, humbly begging for what a minister of the *United States* would have boldly demanded, and no Power ventured to withhold without being made aware of the consequences. Ministers of our dissevered republics would occupy no pleasant place among even their diplomatic colleagues—some of whom, no doubt, secretly glad to behold them shorn of their former *prestige* and influence, pointing them out as the diminutives of former greatness, living assurances of the future harmlessness and good behavior of those same Americans whose progress had once so alarmed Guizot with the prospect of disturbing "the world's equilibrium" of power. We shall be held to a terrible account by humanity, even for having blasted all hopes of the success of republican institutions; and by a monstrous national suicide, forever destroying the popular faith in self-government. Whichever way we turn, there is nothing but scorn and obloquy for our fallen institutions; while despotism itself would draw a long free breath from the terrible and unanswerable example of our liberty.

Mr. President, this picture so much more graphically drawn by other and abler Senators, of the forlorn condition of our country in case of violent separation and disunion, is far from being overcharged. It is impossible to depict the original horrors, desolation, ruin, and political annihilation which, in the end, would be the consequence of so fatal a step. Clay and Webster did not desire to lift the curtain which concealed from their patriotic eyes the dark prospect of dissolution and disunion. They shrank from penetrating the future to behold the calamities which lay in that terrible vista; but thousands of hands are now raised to lift the veil to catch a sight of the gloomy perspective, revealing a taste for tragedy in the country that is destined to grow among us, unless speedily corrected by the substitution of something more congenial and healthy.

If we are to heal the breach which now seems almost inevitable and lasting between the North and the South, the remedy must be applied at once. Family quarrels must be made up quickly, or they become chronic, and exceed in virulence and rancor disputes among strangers. It is natural for men to hate most what they once most loved and cherished; and their former affection seems to give a lawful title to their hatred from the fact of its being wantonly provoked and resentfully contrasted. Let those who think there is no danger, that affairs will quietly settle themselves, take warning, lest supineness lead them into fatal and irreparable error.

There are those who believe that, when a final separation of the States shall have actually taken place, it will be easier to treat with the fragments of the Union, to reconstruct the Government, as it is called, than to make concessions or compromises now. I protest against so heartless and short-sighted a policy.

Sir, if we continue here our present stubborn course, there is nothing to be hoped but final dissolution, civil war, the breaking up of the whole country into petty Republics, breathing defiance at each other, without retaining either weight or consideration in the affairs of the world. Our sovereign people are not prepared for this. They neither desire, nor, if you give them an opportunity, will they *permit it*. A martial people they may be; but this spirit only exists against an enemy, not against their countrymen. We have neither become so powerful nor so rich that we can amuse ourselves by making war upon each other. The three essential things required for war, said a great general, are "first, money; then a great deal more money; and finally, all the money that can possibly be raised." War once declared and waged, all hopes of reconciliation, I repeat again, are at an end; for if the South triumph, it is hardly probable they will surrender their vantage-ground by submitting again to the will and authority of the North; and if the South were to succumb in the combat, how would the North enter into and enjoy the fruits of their victory? They could certainly not drag the South back again into the national Union as free, equal, and independent States.

What service could the Senators and members of subjugated States be in national Legislature of equals? The first shot exchanged between the people of the North and the South itself dissolves the Union. With such violent disruption, all sense of equality, duty, and loyalty, would be destroyed forever; and in the absence of these, our republican forms become sheer license, so intolerable and so utterly unfit for the protection of life and property, that the people would in the end fly to monarchy as a means of salvation from endless anarchy, lawlessness, usurpation, and chaos. The men who connive at this result will find themselves incapable of ruling even the section which now supports them in their career of aggression and fanaticism; and, unsuccessful in their schemes, they will be as hopelessly abandoned by their present followers as they are now anxious to discard those who would implore them to retrace their heedless steps to save our common country.

I have not alluded, in what I have said, to the position of my own State in this contest. The people of the Pacific coast breathe but one sentiment of loyalty and devotion to the Union. They will ratify any proposed amendment to the Constitution which could restore a sense of security to the South and peace to the country. If no such settlement can be had; if neither the leaders of the Republican party, nor their followers in the northern States, will give peaceful guarantees to the southern States, then, sir, in my opinion, a large majority of the citizens of that coast will say, "Let them go in peace." Civil war cannot remedy the evil, and let any result follow sooner than all its horrors. While they would not allow the dignity of the Union or its laws trampled or spit upon

by any portion of its people, yet the appeal of ten millions of their fellow-citizens failing of regard, destroys so much of that unity, as will cause them to consent to any steps a sense of safety, may dictate, even to a final and peaceful separation.

The history of our future career, as two Confederacies, as the result of a *final necessity* to give peace to the people, is not, to my mind, so full of gloomy misgivings. But a *violent* separation requires no prophet to tell its direful issue to republican institutions. *Peaceful* separation leaves the two sections to pursue their pathway, not so mighty, it is true, as when united, but still powerful to command respect from the civilized world. As Mr. Madison said, "They may be divided as to each other, but united as to the world." California, from her commerce, institutions, and interests, I believe, will remain with the free States, [applause in the galleries,] with whom she is, in every respect, identified. Their destiny and our own is indissolubly united. And here let me say to the distinguished Senator from New York, [Mr. SEWARD,] that the loyal people of that State will "speak for the Union, vote for the Union, contribute their money to preserve the Union, and, when all other expedients fail, will fight for the Union," *provided*, the distinguished Senator will show us how, by fighting, we can preserve the liberty, fraternity, and equality, of our southern brethren in the Union; but unless he can perform this difficult task, we will never, *never*, sir! imbrue our hands in the blood of our southern brethren. [Applause in the galleries; and the Vice-President said he would be compelled to order the galleries cleared, if it was repeated.] Believing it to be the sentiment of her people that she will cling to any remnant of a Union, while one remains, I shall stand to my post thus representing her, using all the means in my power to avert the destruction of the Union while the faintest hope may exist; and rather than behold civil war and violence enthroned in the land, will consent to any just and reasonable proposition giving peace and prosperity to the country.

While I have voted for the resolutions of the venerable and experienced Senator from Kentucky, [Mr. CRITTENDEN,] every pulsation of whose heart is patriotic, or will support the plans of either of the distinguished Senators from Illinois, [Mr. DOUGLAS,] or Pennsylvania, [Mr. BIGLER,] still, in my humble judgment, the proposition of the honorable Senator from Minnesota [Mr. RICE] is better calculated than any, to give peace to the country. It ends the struggle over the Territories between the North and the South. "Popular sovereignty," "squatter sovereighty," "slave codes," "slave protection," and all other themes of discord and misrepresentation, must cease, when all concede to the States the untrammelled regulation of their own internal institutions. This obliteration of the Territories of the United States by State organizations, bringing them immediately under the clear provisions of the Constitution, and the other remedies suggested or submitted to give security to the institution of slavery, will certainly be promptly and almost unanimously agreed to by the people I represent, and will, I believe, receive the approbation of a large majority of the people both North and South.

Mr. President, our constituents wait for us and expect us to act promptly on some proposition enabling their voice to decide the issue. Delay is baneful, and conducive to the worst calamity. We have already lost by depreciation of every species of property some $300,000,000, and shall, if the agitation continues, lose $1,000,000,000. A non-intercourse law between the North and South already in fact exists, and will soon, if things are suffered to go on, be enacted in due form. Circulating medium will be deranged or even disappear, and our State treasuries will be embarrassed, and the Federal Treasury itself reduced to hopeless bankruptcy. Thousands of laboring people have already been thrown out of employment. Commercial failures and manufacturing ruin already stalk through the land; our farmers will soon be reduced to bartering their produce for articles of prime necessity. Our financial condition will suffer the reduction of the old colonial times, and the country inundated with that baseless trash—paper money. Emigration from Europe will cease, and the capitalists who have invested in American securities will throw them on our market, still further depressing the current rates. All private confidence will be destroyed, and every species of enterprise indefinitely postponed.

How long law and order will be preserved under such circumstances, how long property will remain secure, and life protected, is more than I venture to guess; but this I will assert, without fear of contradiction, that a Government which allows all these things to take place, and which, instead of promoting peace and harmony, leads by its supineness, partiality, or want of power, to the commission of every species of public and private wrong; to armed inroads on one State by citizens of another; to bloodshed, rapine, and civil war—such a Government, I have no hesitation in saying, is not worth preserving; and our people will make no sacrifice to prop up and support so useless and cumbersome a fabric. Let the discontent, the distrust, the hostile feelings between different sections of our common country increase; let civil war ensue, and our free institutions will be scattered like the sands of the dessert, to all the adverse winds of heaven. A government sustained only by force must, from its very nature, be arbitrary, or must soon become a despotism; and, in the disorganization and general chaos, we shall be happy if we escape foreign intervention and are spared the humiliating sight of a European soldiery perambulating in triumph the streets of our once proud Atlantic cities.

For what reason shall all these calamities befall us? Why shall we thus, in the midst of unparalleled success, in the full vigor of our national youth—for we have not yet reached even man's estate—become possessed of such a legion of devils, a prey to such insanity as to wilfully shatter our own household gods; to heap the ashes of our own hearthstones on our own devoted heads; and with spiteful hands and flaming torches set fire to and destroy that friendly and wide-spreading roof that has so sheltered all true liberty's children in the whole world,—casting to utter and eternal destruction the hopes and elevated aspirations of mankind?

I implore you, Senators, as others have done before me, by everything dear to our hearts and sacred to our consciences, not to turn a deaf ear to the voices of the people, calling upon us from all sections, to pause in our political career, and to prove to the North and to the South and to the civilized world that our hearts and our minds expand with the magnitude of the subject on which we are called to deliberate; that our patriotism can rise above party considerations; that when the honor, dignity, and existence of our institutions are at stake, there is no sacrifice of personal vanity or the narrow sphere of partisan politics that we are not eager, nay, proud to make to save the common country.

Senators, if from the realms on high, it was vouchsafed by a beneficent Providence, that the shades of our departed patriots, sages, and heroes of the Revolution, might speak to us, for whom while living, they so toiled and labored, and spilled freely their hearts' blood, how they would implore us to pause and retrace our steps from this perilous brink of destruction and fraternal strife; how would the voices of Washington, Adams, and Jefferson, bursting the seal of death from their still glowing lips, and his chill cerements from their potent hands, proclaim, as they did when living, that all true glory, and historic renown are based on an elevated love of country, on a pure devotion to its lasting interests, and the abandonment of discord and strife. They would, they do implore, as living men may not implore, by their sacred wounds and scars,—by that precious bond of liberty and proud title of AMERICAN bequeathed to us to enjoy,—and other lands to dream of as a vision of peace and glory,—to be yet faithful to our Constitution and Union,—to that law of equal right and love, which is to nations the same saving grace it is to souls,—that law given to us, as all powerful, by God himself; the only King they taught us, as a nation, we might ever own. [Applause in the galleries.]

Reform in Los Angeles

Retrospective—Prospective

An Address Delivered by

MEYER LISSNER

Before the City Club of Los Angeles, Saturday,
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REFORM IN LOS ANGELES

Retrospective—Prospective

Mr. Hunsaker, the president of the City Club, in introducing Mr. Lissner, said:

"The speaker of the day needs no introduction to this audience.

Mr. Lissner's labors have not been confined merely to those things in which this club has been engaged. For several years Los Angeles has been working for better conditions politically, and better conditions in this municipality.

He has devoted more time to this work than any other man in this community, and he has done it intelligently, fearlessly and unselfishly.

His has been the lot of every man who goes into politics, not for the spoils of office, nor for what there is in it, but with a view only to the betterment of conditions. He has been misunderstood, misrepresented and maligned, but notwithstanding all this, he has gone ahead steadily, with the one purpose in view, and he is living now to see that his efforts have not been in vain.

He is entitled to be called the father of the club, because it was from his first efforts for municipal reform that the City Club sprang.

This has been a great year for the City Club, and for other organizations striving for righteousness in the community.

I take pleasure in announcing that Mr. Meyer Lissner will now address you on the subject 'Reform in Los Angeles, Retrospective-Prospective.'"

Mr. Lissner said:

Mr. President and Gentlemen of the City Club:

I thank you, Mr. President, for your kind words. If I felt that I deserved the half of what you have said I should feel very proud.

I suppose that every well regulated community old enough to vote has had its occasional or semi-occasional eras of reform; and so I have no doubt that the man who undertakes to write the political history of Los Angeles may have to recount several such visitations on our city. Undoubtedly he would find that when La Ciudad de Nuestra Senora la Reina de Los Angeles, The City of Our Lady the Queen of the Angels, was still a sleepy Mexican pueblo, the contest at times waxed as hot as the national dishes over the office of alcalde or mayor, or members of the ayuntamiento or councilman (you see that they called the councilmen names even in those early days); and some of you no doubt remember the incident related by that sturdy pioneer and honored member of this club, Mr. Henry D. Barrows, in an address before us, when he told how, in the early days, a certain Dr. Osborn, who was postmaster here, won an election for state senator. Even in those early days, postmasters, it seems, had something to do with politics.

Dr. Osborn was very anxious to carry a certain precinct which was mostly settled by Mexicans who knew little or no English. So he went to the padre, who had more influence in his parish than any other person, and used his most suave methods of electioneering with the dominie in behalf of his candidate; and, to clinch the matter, he asked the padre to pray for the repose of the soul of his mother—who was then alive and well in New York. The next feast day the wily doctor was on hand at the church and on his knees, joining the padre and his flock in praying for the repose of his mother's soul. It is unnecessary to add that the doctor's candidate was overwhelmingly elected.

Early Attempts Unsuccessful

Mr. Barrows, who has lived in Los Angeles for fifty-six years and has always taken an active interest in civic affairs, tells me that while he has knowledge of and participated in a number of attempts at reform in this city during his residence here, never until the last three years has he known of any successful consummation of efforts along that line.

But I propose to talk about the political reforms of which I have per-

sonal knowledge, and I think that will keep me busy for a while.

Politically, I feel very much like the little colored lad who, when asked his age, replied: "If you goes by what my mudder says, I's six, but if you goes by the fun I's had, I's a hundred."

For, while I have not been very long at the game, even my enemies will concede that I have been perniciously active; and, as the rest of the bunch have been making all the speeches, you want to be prepared for quite an accumulation.

I came to Los Angeles about thirteen years ago, but in the ten years prior to the last general municipal election I never heard of a revulsion against the biennial dose of political patent medicine put up for the citizens of Los Angeles in attractive packages labeled respectively "Republican" and "Democratic."

Party System Demoralizing

The result of the party system on the city's system was the same here as elsewhere where partisanship has been placed above citizenship. It was demoralizing. The best men could not be induced to enter into an undignified scramble for nominations through the hurly-burly of packed caucuses, primaries and conventions, and the men who wanted office badly enough to do so, and who had to sell their souls to a political boss in order to secure nominations, were usually no better than the people who tolerated such conditions deserved.

A few months before the general municipal election which took place in December, 1906, a few young fellows, less than a handful, none of whom had been at all active in political affairs before, got together and discussed what could be done to remedy what they considered an unfortunate municipal condition, and to secure the nomination and election of worthy municipal officers.

They were tired, so they said, of seeing a default judgment taken against the people every two years through the manipulation of party machinery. It was notorious that one party would make a bad nomination and the other party would make a worse one, and between the two the people were betwixt the devil and the deep sea. And the boss who pulled the wires behind the scenes for his employer laughed in his sleeve at the gullibility of American citizens, and, after the nominations were made, didn't care which candidate was elected. The "interests" were safe either way, and so was his job.

The Non-Partisan Campaign

After discussing the matter, these young men came to the conclusion that the great vice in municipal politics was the mixing of national party politics with city affairs, and they concluded that what Los Angeles needed was nonpartisanship in its municipal government, and decided that they would undertake to organize to that end. They did organize the nonpartisan city central committee, and went to the bat. They had the nerve to suppose that they were onto the curves of Pitcher Parker and that Captain Gates might make a home run on the first strike. Well, you know they didn't quite do that; Parker caught Gates out on a foul; but they showed some good team work and made some good runs, and, taking it altogether, it was a good game. Score, 16 for the nonpartisans, 7 for the machine.

They elected sixteen out of twenty-three elective officials. They gave Los Angeles a school board which enjoys the confidence of the people and is supported by nearly all the local newspapers worth mentioning. They elected a loyal and learned city attorney; our deservedly popular city clerk, a zealous and capable auditor, an efficient and well qualified assessor, an honest and highly respected treasurer, and four members of the city council.

They did not elect the mayor, but that score has been evened by the election of two mayors since; and I think it only fair, in passing, to say that they did not elect the other five members of the city council. Nevertheless, I have often thought that if the four members of the council who were elected on the nonpartisan ticket had stood together more consistently on right propositions, with the power of a righteous cause and public opinion on their side, they could have blocked several of the things done in council for which some of them have been, in my opinion justly, criticized. "Thrice armed is he whose cause is just."

Councilmanic Statesmanship

And I want to say in passing, that the plea made before this club recently by a councilman, that if one wanted to get things for his ward he had to "stand in," does not appeal to me. True, the councilman did not use those exact words; what he really said was this:

"You know that we don't want to have an obstructive form of government. If we want to have a constructive form of government we have got to slide along as smoothly as possible."

All of which, boiled down, spells "log rolling" and "standing in."

I agree with what Senator Bell said to us last Saturday—that the legislator is sometimes more useful as an obstructionist than as a constructionist. To put it in plain English, councilmen should be guided by principle and stand up for the right thing, regardless of consequences. The consequences will take care of themselves and of the councilmen too.

If a councilman cannot get something

for his ward without voting for something for another ward to which it is not entitled, he should let his ward get along without; and because a majority of the councilmen are lined up to confirm an unfit appointment and "it is going through any way," is no reason for voting aye just "to keep in line, and not unnecessarily antagonize the majority."

The people do not understand that kind of councilmanic statesmanship, and it only reflects on and injures, not alone those who so act, but those who are supposed to stand sponsor for them and the whole cause of good government.

Records of Non-Partisans

But, taking it all in all, the non-partisans have made a pretty good record. Reformers cannot give a written guarantee with their candidates. The men they nominate are human beings—liable to err in judgment. All we can do is to support the best men whom we can secure to accept nominations, and, like the Irish councilman with the gondolas, let nature take its course.

Coincidentally with the city's non-partisan campaign, a county non-partisan ticket was supported by another set of citizens, which met with some success. It elected Charlie Bell to the senate, if it didn't do another thing, that was well worth while. It did more, however, but as I was not in any way personally connected with that movement, and as I am only speaking from personal knowledge, I will not discuss it at length.

I want to say in passing, however, that my first acquaintance with S. C. Graham dates from that campaign, which he managed, and I take pleasure in saying that in what political experience I have had I have never known a man who was guided more consistently by principle and gave less heed to what we call political expediency; nor have I ever known one to make greater sacrifices for the good of a righteous cause or who exhibited a loftier spirit of practical patriotism.

Express and Herald

It would be unjust to pass over this period in the recent history of political reform in Los Angeles without reference to the splendid newspaper support given by part of our local press, and particularly by the Los Angeles Herald and the Express.

The Express espoused the cause of non-partisanship in municipal affairs and stood up staunchly for the non-partisan movement when it was still in its swaddling clothes and nothing but a howling infant, and before any one knew for a surety whether the child would have enough vitality to storm the Republican and Democratic breastworks or die of exhaustion in the attempt. For it goes without saying that, considering the character of our newspaper support, we could not think of bringing the infant up on the bottle.

The Express stood for the principle of non-partisanship because it believed it was right and irrespective of business considerations, just as it has stood for other things which its owner believed in but which did not meet with the same measure of public approval.

From that day to this the Express has supported every worthy movement for good government in this city and state. No one in connection with the Express has ever attempted to dictate, no ulterior motive has ever appeared, and I say without hesitation that the people of Los Angeles owe a great debt of gratitude to E. T. Earl and the Los Angeles Express which they should not hesitate to show their appreciation of whenever and in whatever way they can.

The Herald, although at that time under different management, gave us loyal support, and at one time we actually really thought we might have support of the Los Angeles Times.

And while I am on the subject of newspaper support for reform in Los Angeles, although a little out of the chronological order, I want to pay my tribute to the excellent work done during the Recall campaign by the Los Angeles Herald. Under the direction of our versatile and brilliant fellow-ctiizen, Mr. T. E. Gibbon, the Herald is deservedly forging its way into the homes and into the hearts of all the lovers of good government in our city. and I sincerely hope that it will reap continued success for the good work it is doing.

The City Club

The result of the first non-partisan campaign was quite encouraging to the friends of good government, and the necessity was recognized of keeping together and in close communion those citizens who had been active in that campaign, and the citizens generally who sympathized with efforts along that line. This was the inspiration for the organization of the City club, and the same little group of young men who organized the first non-partisan movement was most active in the organization of this club.

That it has fulfilled its mission and is a genuine success will, I think, be generally admitted. Starting with a membership of about fifteen, the City club in less than two years of existence has reached nearly the thousand mark. I believe its potential influence for good government in Los Angeles is almost incalculable, and I see no reason why this club should not, within a reasonable time, have a membership of several thousand. While it costs nothing to join, and while the membership fee of $1 per quarter is nominal, still, with a largely increased membership, the club, with economy, could and should have its own quarters—library, reading and meeting rooms—and in time should be-

come the principal forum for the discussion of civic problems and the recognized center of civic advance.

The popularity of Mr. Gates, our first president, and the high character of Mr. Hunsaker, who has just laid down the gavel of office, undoubtedly have had much to do with the success of the club, and the club is particularly fortunate in having been able to induce such an eminent citizen as Judge Works to serve as president for the ensuing year.

Lincoln-Roosevelt League

The character of the political machine which runs a state government—which determines whether it is a corporation machine or a people's machine—is determined by the character of the wheels and cogs of the machine that control political organization in the subdivisions of the state, and especially in the large cities. California, far from being an exception to this general rule, is a shining example of the truth of it; for it was a notorious and shameful fact that for a generation the government of this state, mainly through control of politics in the more thickly populated centers, had been under the domination of the political bureau of of a great railroad corporation.

The degree of success which had been achieved in the first non-partisan campaign in Los Angeles gave the young men who were most active in that movement enough encouragement to have the hardihood, with the enthusiasm of youth, to tackle the monster which had the state government in its grasp. Most of the men prominent in the non-partisan movement, while thoroughly non-partisan in municipal and county affairs, were ardent Republicans in state and national politics, as might be expected in a community so preponderatingly Republican. And it was recognized that, since the dominating party in this state was Republican, reform in our state government could only be practically brought about through operation within the Republican party. This gave rise to the Lincoln-Roosevelt Republican league, which had its birth in another small meeting in this city, but which in a very short time, through persistent and active propaganda and organization work, became a state-wide movement, with what effect you are all familiar.

Like the non-partisan movement in the city of Los Angeles, the Lincoln-Roosevelt Republican league movement did not make a clean sweep of the old machine all along the line, but it is generally admitted that the influence of the league had more to do with the comparatively decent record of the recent legislature than any other one thing.

Record of Legislature

I say comparatively decent advisedly, for, while I am willing to shout as loudly as anyone the praises of certain members of that legislature, Lincoln-Roosevelt Republican, regular Republican and Democratic, I am not one of those who can grow wildly enthusiastic over the performance as a whole, and I would like to take a few minutes to analyze a part of the record of the Los Angeles county delegation.

What is said at a banquet given by a machine club into attending which many good citizens are inveigled, does not count for much with me; but it is the inevitable roll call that tells the tale, and there is the place to get your information.

Of course it would be impossible to refer to the vote of every member of the Los Angeles county delegation on every bill. But there were certain test measures, with the import of which you are all familiar, to which I will refer.

One of the first tests was on what was known as the "gag rule," which would have permitted a bill to have been held in committee indefinitely, and simply amounted to a convenient method of chloroforming legislation objectionable to the machine. The following members of our Los Angeles delegation voted for this rule: Barndollar, Leeds, Stanton and Transue. The following voted against it: Cattell, Coggswell, Hammon, Hanlon and Rech.

A resolution was introduced urging congress to establish a line of federal steamships on the Pacific coast between our ports and Panama. You will remember that the original resolution referred to the celebrated Bristow report, which, because Senator Bristow had reflected on the United States senators from California, was unacceptable to the machine. The test on this bill came on Drew's motion to force the resolution out of committee. The following assemblymen voted for reporting the resolution out of committee: Barndollar, Cattell, Coggswell. These voted against the proposition: Hanlon, Leeds and Rech.

The notorious "change of venue" bill which was introduced and defeated at the preceding session and was well understood to be in the interests of Abe Ruef, so that he could be tried before a judge of his own choosing, came up again and was passed by the legislature which has just adjourned, notwithing the strenuous objection of Mr. Heney, who publicly opposed it. The following voted for the passage of this measure: Assemblymen Barndollar, Coggswell, Hanlon, Leeds, Rech, Stanton and Transue, and Senators Hurd, McCartney and Savage. The following voted against the change of venue bill: Assemblyman Cattell and Senators Bell and Thompson.

Direct Primary Bill

The direct primary bill originated in and passed the senate in its original

form, Senators Bell, Hurd and Thompson voting in favor of the measure and Senators McCartney and Savage against it.

There were two test votes on the direct primary bill in the assembly. The first test was on Assemblyman Leeds' motion to amend the original bill by providing for the indorsement of candidates for United States senator by legislative districts, instead of by the state at large. Mr. Leeds was quoted as saying that this amendment was in the interest of a certain candidate for the United States senate, who, he said, could not be elected under the scheme providing for the expression of choice on the part of the majority of voters within the party in the state. Those voting in favor of the Leeds amendment were Assemblymen Barndollar, Hammon, Hanlon, Leeds, Rech, Stanton and Transue. Those voting against it were Assemblymen Cattell and Coggswell.

The second test on the direct primary bill in the assembly was on Mr. Stanton's proposed amendment providing for a post primary convention pledge. By this amendment it was proposed that conventions in legislative districts to be held after the primaries should instruct party candidates how to vote for candidates for United States senators. So far as I am aware, this is about the system we have at present and was nothing more than a gold brick. The following voted in favor of this proposed amendment: Barndollar, Leeds, Rech, Stanton and Transue. These voted against the amendment: Cattell, Coggswell and Hanlon.

Ballot Reform

A bill was introduced in the senate by Hoolihan proposing to abolish the party circle at the head of the ballot, so as to prevent straight ticket voting, which only puts a premium on ignorance and which is recognized as one of the bulwarks of the machine at elections. This bill passed the senate, Senators Bell and Thompson voting for it and Senators Hurd and Savage against it, and the test vote in the assembly came on Mr. Leeds' motion to deny the bill a second reading. Those voting to kill the bill were: Barndollar, Hammon, Leeds, Rech, Stanton and Transue. Those in favor of the bill were Cattell and Coggswell.

Another bill providing for ballot reform was Senator Boynton's bill for the nonpartisan judiciary column, which passed the senate, Senators Bell and Thompson voting for the bill and Senators Hurd, McCartney and Savage against it. The test on this measure in the assembly again came on Mr. Leeds' motion to deny the bill second reading, and the following assemblymen voted to kill that bill: Barndollar, Hammon, Hanlon, Leeds, Rech, Stanton and Transue. Those voting in favor of the bill were Cattell and Coggswell.

There was some railroad legislation proposed. There was a bill introduced by Senator Stetson which meant something to the shippers of California, and a bill introduced by Senator Wright which meant little or nothing.

Senator Stetson's bill attempted to meet the demands of shippers for remedial legislation, especially with reference to the powers and duties of the railroad commission. Senator Wright's bill was reported out of committee, however, as might have been expected, and the test came on Senator Stetson's motion to substitute his measure for the Wright bill. On this motion Senators Bell and Thompson voted "aye" and Senators Hurd, McCartney and Savage "no."

A bill was introduced, fathered and supported by the Direct Legislation League of California, providing for the submission to the people of a constitutional amendment for the initiative at the next general election. Why any senator should have been unwilling to allow the people to determine whether they wanted the initiative in the constitution I cannot understand. Nevertheless Senators Hurd and Savage voted against the measure and Senators Bell, McCartney and Thompson in favor of it.

Voting Right and Wrong

These were some of the crucial tests in the last legislature, and on reviewing the record on these test votes we find that Assemblyman Cattell of Pasadena and Senator Bell and Senator Thompson voted right every time; that Assemblyman Coggswell voted right every time but once; that Assemblymen Leeds, Stanton and Transue and Senator Savage voted wrong every time and that Assemblymen Barndollar and Rech and Senators McCartney and Hurd voted wrong every time but once on these test votes. There were other votes taken for which all our Los Angeles legislators deserve commendation, but those mentioned were considered the crucial tests.

There were other members of the legislature from Southern California, particularly Senator Estudillo of Riverside, Senator Roseberry of Santa Barbara and Assemblymen Hinkle of San Diego and Sackett of Ventura, who also made excellent records and voted right every time.

I regret to have found it necessary to criticise the record of some of our legislators from this county, and would much rather have been able to give them general commendation and a clean bill of health, but I think the people of this community should not be given the impression, by means of a coat of whitewash thickly spread at an organization banquet, that the records of all of the Los Angeles county delegation were equally good.

I am informed that the passage of

the most important reform measures, like the direct primary and anti-race track gambling bills, was only made possible by a coaltion between the Lincoln-Roosevelt Republicans and the decent Democratic members of the legislature in what was known as the "hybrid caucus." Well, I say, all honor to the "hybrid caucus."

Incidentally, I think I ought to refer to the fact that the Lincoln-Roosevelt Republican league forces have just won the first election in San Diego under the new commission system adopted there. That gives us a Lincoln-Roosevelt mayor, or what amounts to the same thing, a reform mayor in San Diego, in Los Angeles, in Fresno, in Sacramento, in Oakland and in Berkeley and a clean Democratic mayor in San Francisco. All these places but one had a machine mayor two years ago.

This augurs well, I think, for the eventual control of the state government by the forces of decency through the direct primary at the next general state election.

Citizenship in Schools

The next test vote of the power of the machine and the machine press was polled when the school bond election was held recently. That is a matter of such recent history that it hardly requires comment, but it gives me opportunity to say a kind word in behalf of the enthusiastic high school lads who had much to do with the organization and success of that election, and who, in my brief political experience, I have found to be excellent and willing workers.

I do not know whether they have a course of study known as citizenship in our advanced schools, but it does seem to me that it would not be out of place. We cannot too soon begin to imbue the mind of the young citizen with a thorough knowledge and understanding of the duties and responsibilities of citizenship. If we are to contend successfully with the organized forces of political workers, whose bread and butter depend upon carrying their precincts and who will lose their jobs and opportunity to feed off the public pie counter if they don't make good, we must convey to the mind of the rising generation the thought that one does not perform his whole duty as a citizen by simply casting his vote; that it requires active, militant effort on the part of the wisher for good government to bring it about; that he must talk good government and work for good government; that he must take part in his precinct organization and devote part of his time and be willing to make sacrifices for the good of the cause; and I predict that the young citizen will find the contest interesting and to his liking. There is no more exciting game in the world than the game of politics, nor can there be any greater satisfaction than to win on the side of right and decency.

Above all the young citizen should be made to understand that the least he can do is to vote at an election. The citizen who is unable to make up his mind how to vote at an election, or who, for some political reason, remains away from the polls, or who, by reason of his apathy, neglects that duty of a citizen, does not deserve to hold the elective franchise; and I hope some day to see a law passed which will make inexcusable non-use of the elective franchise ground for taking it away altogether.

Charter Amendment Election

Then came the charter amendment election. That, too, is so recent that I am not warranted in going much into detail. A machine majority in the city council which thought it had power enough to block the expression of the popular will by refusing to call a freeholders' election, after having caused the civic bodies to appoint a charter commission, was foiled in its policy of obstruction. That splendid organization to which the city of Los Angeles is so much indebted, and of which everyone of you should be a member—the Municipal league—in this crisis, at considerable expense, circulated petitions compelling the council to call an election to give the people an opportunity to vote on the very amendments which stuck most in the craw of the obstructionist councilmen; and as a result of that election we have obliterated the ward system, with its logrolling and petty trading politics, and have done away forever with party caucuses, primaries and conventions in the city of Los Angeles by the adoption of what is regarded as one of the best direct primary systems for municipal elections ever proposed.

Salaries of Municipal Officers

It is to be regretted that the amendments for salary raises proposed by the councilmen themselves did not pass, but the councilmen have only themselves and the machine to thank for their rejection. The people lacked confidence in a council which had declined to give them an opportunity to express their will until compelled to do so under the mandate of the law, and many voted against the salary amendments on that ground; while on the other hand the orders which went out from the machine headquarters just before the election to vote against all the amendments all along the line in order to defeat amendments 2 and 4 for council-at-large and direct primaries, helped to swell the negative vote on the salary amendments.

I believe that municipal officers should be well paid. The city has no business to expect capable men to work for it for less than such men

can obtain from private corporations or individuals, and I hope that in the near future Los Angeles will be paying her city officials salaries commensurate with the importance of the city's business and the ability required. I voted for every one of the charter amendments except the amendment providing for the extension of corporate franchises from 21 to 35 years.

The Commission System

Too much must not be expected of our municipal direct primary in its first tryout, for the reason that the system adopted here is more particularly adapted for a scheme of government where the number of elective offices is small. We must remember that we still have twenty-three officials to elect, and in my opinion it should be "23" for some of the offices, so far as their being elective is concerned. I can see no reason why such officials as the city treasurer, the tax collector and the city clerk should be elective. Their duties are purely ministerial, as are those of probably some other of our city officials, and I favor as great as possible a reduction in the number of elective officials. Undoubtedly the council, which will be elected this fall under the "at large" system, will be quite willing to call an election for freeholders in time so that a new charter may be passed on by the citizens of Los Angeles and presented to the next legislature; and I hope by that time the experience of other cities where what is known as the "commission plan" is now in practical operation will have demonstrated the practicability and advantages of that system.

I, for one, would like to see elected as councilmen a few high grade citizens who would devote all their time to the city's business; who would be paid good salaries; who would be municipal experts and each one of whom would have general charge and supervision over an important department of the city's affairs under the general direction of the whole council. In other words, I cannot see why the business of a great municipal corporation could not be successfully conducted along the lines adopted in great private corporations where a small board of directors, carefully chosen for their ability and integrity, are given full control of the corporation's affairs.

I think that with the recall in operation, which of course will never be given up by the citizens of Los Angeles, no matter how many charters we may adopt in the future, we are perfectly safe in electing a small number of city officials and giving them large powers.

I want to say also, in passing, that it is my firm conviction that no matter how many charters we may prepare and adopt in Los Angeles we will never give up the initiative and referendum, and will never go back to the ward system of electing councilmen or to the old convention and party boss system of making nominations.

From the time when Magna Charta was wrested from King John the people have never surrendered what tools of democracy they have taken. But they sometimes allow the tools to rust. Senator Thompson warned you last Saturday that the state direct primary law will not be effective unless the people intelligently use it, and I must give you the same warning about our local direct primary law. It won't work automatically, but there must be organization to back it up to secure the best results.

The Recall Campaign

It seems to me that I must apologize every time I make reference to a reform movement in Los Angeles, because it is so recent. This observation, of course, applies to the recall campaign which has cleared our local atmosphere so that I am sure we all breathe more freely, feeling that the city is safe, and has resulted in the election of one of the very best mayors that Los Angeles ever had.

The character of the appointments made by Mr. Alexander assures a sane, rational, conservative and decent administration.

One important lesson has been learned from this election, and that is that organization counts. Without the organization behind the recall and the candidacy of Mr. Alexander the 1600 plurality in his favor could easily have been switched to the opposing candidate.

This demonstrates that if we are to continue to keep in office good men in our city government and to keep machine politicians out we must continue and make permanent, if possible, the organization which has worked so well up to the present time. And do not think, gentlemen, that the organization which carried the election for Alexander was built up in a day, or in the few weeks prior to the election. That organization has been three years in the building. It started with the first non-partisan campaign in Los Angeles. It grew and was strengthened during the Owens river bond election, the school bond election, the charter amendment election and, most important of all, the Lincoln-Roosevelt Republican league campaign, and it was the organization, built up from the ground, you might say, during all of that time that was ready to back up the Municipal league and recall campaign committee in its fight for a decent mayor for a decent city.

Good Government League

If you want to have permanent good government in Los Angeles or anywhere else, for that matter, you have got to have permanent organization of good government forces. They say "Eternal vigilance is the price of liberty," and I say "Permanent organization is the only safeguard for good government." While I do not believe in what has been called "the" organization, I do believe in organization itself. It should not be necessary every time a good government campaign is undertaken in Los Angeles to have to begin anew, or to request men who have been active in precinct work to act as precinct committeemen. There should be permanent good government organizations in every precinct in the city, ready, like minutemen, to respond almost automatically to the need of the hour; and to this end I want to suggest the organization of a Good Government league for Los Angeles which shall be in fact as well as in name a real league of the forces of good government.

Organizations Represented

Those organizations in Los Angeles which have been tried and found true and are identified with good government should all be represented in this proposed Good Government league through their respective boards of directors or executive committees. For instance, the members of the governing bodies of the Municipal league, the Voters' league and the City club should all be members of the Good Government league.

College men should have thoroughly imbued into them the necessity for the active work of those citizens who have the greatest advantages in an educational way, and the executive committee of the College Men's association recently formed here, living in Los Angeles, should be members. I am sure the Lincoln-Roosevelt Republican league, the Democratic league and the executive committee of the non-partisan city central committee would be quite willing to go into such a movement if it would be considered desirable.

In our recent campaigns we have become acquainted with earnest and zealous workers for good government among the foreign population in the city, and I advocate the organization of a German-American Good Government league and a Latin-American Good Government league, which should affiliate with the general Good Government league. There is no reason why there should not be a Good Government league among the colored men in this city. In fact, I know of some good colored men who are ready, anxious and willing to go right ahead with such a movement at this time. The colored vote in Los Angeles is a very important factor and should not be overlooked.

Then, again, I think special representation in such a movement should be given to that portion of the working class represented by the labor unions. The labor union vote in previous campaigns has often been manipulated by demagogic leaders and delivered to the machine. Recently a new light has come over many of the most intelligent of these men, and they have expressed the desire to co-operate with the real friends of good government, and while they are in that mood I think we should meet them half way. In fact, one of the strongest criticisms of our good government movements in the past has been that there was too much of the silk stocking, pink sock and Tuxedo coat about them; that they did not get close enough to the working people. And one of our greatest difficulties has been to find representative men among the working people with whom we could confer and co-operate. By all means, I say, let us give representation in the Good Government league to the labor unions.

There are many important associations in the city that are doing excellent work and are vitally interested in good government, and each improvement association should be entitled to a representative in the Good Government league, and the executive committee of the Federation of Improvement Associations recently organized, which is supposed to represent all the improvement associations in the city, should be members of the Good Government league.

Precinct Clubs

Most important of all, there should be a Good Government club in every precinct in the city of Los Angeles, of which the earnest, active workers in the precinct should be officers, and each one of these precinct clubs should be entitled to one representative in the councils of the Good Government league.

I think the policy of such an organization should not be to make nominations, but the organization should wait until nominations had been made by the people through petition under our direct primary system, and then the Good Government league should be called together and the merits of all the different candidates considered and a ticket should be indorsed, which the people should be asked to support.

A body composed as I have suggested could not be said to be representative of any clique, set or faction, but it is intended to be and would be representative of all classes and conditions of our citizenship and its indorsement would certainly have immense weight. It is, I think, especially necessary, in view of the fact that a very large number of names will be printed on the primary ballot, and there are many

citizens who would look to the indorsement of such an organization for their information and guidance.

Machine Tactics

Remember, gentlemen, what happened at the recall election. By merely passing the word down along the line and in a gum-shoe campaign, the machine was nearly able, through its policy of rule or ruin, to elect a man for mayor whom neither it nor the forces for good government wanted in that office. The machine always works as a unit. It elected Harper by throwing its several thousand votes to him. Just as sure as fate it will attempt to defeat the good government candidate in the fall election by repeating the same performance, and it can do it unless we keep up and perfect and maintain our organization.

Organization, therefore, is absolutely necessary—in fact, it is imperative. Lack of organization spells defeat.

Some one may be able to suggest a better plan of bringing all the forces of good government in Los Angeles into practical co-operation. I give you my idea for what it is worth, as I do not expect personally to have anything to do with the organization of such a league.

There is enough work in the building up, perfecting and maintenance of such an organization to occupy all of one man's time, and such an organization should have permanent quarters and a paid secretary carefully selected for his adaptability and love for the work.

Recall Sacred Weapon

So far as the recall as an institution is concerned, our recent experience has demonstrated that it is the most effective weapon ever placed in the hands of the people for their protection against public officials who betray their trust. But it is so precious that it should be held sacred and used only in a dire emergency, when the public welfare is unquestionably threatened. It should not be cheapened or abused. It should be guarded and protected.

Where the recall is a part of the fundamental law, when the public official takes his oath of office a vision appears to him and says:

"Behold! I am the spirit of the recall. I represent the voice of the people. I shall be with you always during your term of office. Be faithful and I will assist and encourage you. I will pat you on the back and whisper 'Good boy' in your ear; but I will not obtrude myself on you and my touch will be so light you will hardly sense my presence. Be courageous and diligent in the service of my people and I will smile on you, and when your term of office has expired, I will say, 'Well done, good and faithful servant; go in and do it again.' But betray my people and I will frown and hurl anathema upon you. I will follow you about and make life miserable for you. I will be with you in the day time and haunt you in your dreams. I will plead with you and argue with you, and I will beg of you to think of your conscience, your family, your good name, your reputation and your peace of mind. And after all this, if you don't see the error of your ways, I will take you by the back of your neck and the seat of your pants and give you the grand bounce into private life, where you will belong."

The recall is all right. It has come to stay. Reactionaries had better let it alone. It will never be surrendered. And, so far as hurting business or injuring the good name of the city is concerned, I don't believe that Los Angeles ever had a better advertisement than the recall election. People everywhere know now that we not alone have a good place to live in, but that we mean to keep it so, and that we will not tolerate graft or keep in office unfaithful officials.

Financing Campaigns

The most serious matter in connection with reform movements and movements for good government is the financing of them. There are many good citizens, men of ability, who are willing to devote a good deal of their valuable time to this work and to contribute liberally to campaign funds besides, but they balk when it comes to going, hat in hand, literally begging for funds which are doled out, grudgingly in many cases, by men who do practically none of the work and, by reason of their large interests in the community are the principal beneficiaries of it.

It so happens that citizens who are able to and do give generously to the financing of movements of this kind, while quite limited in number, are called upon on every occasion. It is not only bothersome for them, but also for the solicitors, to have to take up such a matter every time the necessity arises.

The fact that it would be more businesslike and a great relief for all concerned if each one of these generous givers would agree to pay such an amount as he would expend annually into a fund, to the trustees of which all applications of the kind mentioned could be referred, and who could either assist or turn down a proposition, as their judgment would dictate, gave rise to an organization in Los Angeles of which I have been requested to make mention at the present time.

Good Government Fund

An organization has been perfected in Los Angeles, known as the Good Government fund, with the following board of trustees: S. C. Graham, C. J. Kubach, Stoddard Jess, P. M. Johnson, William Lacy, J. O. Koepfli, Gilbert S. Wright, John R. Haynes and M. Lissner. The officers are: S. C.

Graham, chairman; C. J. Kubach, vice chairman; M. Lissner, secretary; P. M. Johnson, treasurer.

The first application for funds granted by the Good Government fund was for the support and maintenance of the people's lobby at Sacramento. The Good Government fund was asked to finance the recall campaign, and furnished about nine-tenths of the money that was needed for that campaign.

The fund at the present time has about seventy annual subscribers, who agree to pay their annual subscriptions in equal quarterly installments, until further notice, and has a guaranteed subscription to date of $17,000 per year, which should be, and I believe can be, doubled if an active campaign for subscribers is instituted.

Such a fund would be able to furnish all moneys needed for good government purposes in Los Angeles city and county, and it is the intention of the Good Government fund to finance every worthy enterprise for good government in this county.

To Finance Worthy Efforts

There are many varieties of civic work that from time to time require financing and that lag on account of the lack of funds.

A faithful public prosecutor may find his work hampered by reason of the lack of a comparatively small fund for secret service work. There are many branches of our municipal affairs where secret service could well be employed.

Leagues for direct primaries, anti-race track gambling, direct legislation, and the like, need to be financed.

Such worthy organizations as the Municipal league of Los Angeles and similar organizations occasionally find their funds depleted on account of extra and unlooked for expenses, and should be assisted. In the circulation of the charter amendment petition alone the Municipal league expended considerably over a thousand dollars, and the City club spent over $1000 more (which was raised with great difficulty), in the successful campaign which it made for the adoption of some of the amendments.

The circulation of petitions for the recall of an unfaithful public officer and a campaign for the election of a candidate in opposition to the incumbent is expensive, and on proper occasions the money for such work should be forthcoming in a lump sum, without loss of time or the solicitation of individuals.

Worthy political movements have to be financed and require a good deal of money.

Municipal Research

The societies for municipal research which have been organized in several eastern cities have proved of immense value in the prevention of leakage, waste and extravagance in municipal business. In New York city alone it is estimated that $3,000,000 was saved to taxpayers last year by the Municipal Research society active there. It would certainly pay as a business proposition to carry on and support such a work in Los Angeles, which, I think, should be done under the supervision of the Municipal league.

Other instances of the necessity of raising money for worthy movements could be cited, but those given are sufficient for the purpose.

The work for good government must be financed by private individuals. No public funds can be used for that purpose. The work cannot be well done unless it is properly and generously financed. Great reform movements in other places have always been so backed up. It is well known that the cleansing of San Francisco, for instance, is due almost entirely to the generosity and patriotism of Rudolph Spreckels, and the recent revelations of municipal graft in Pittsburg, which undoubtedly will result eventually in good government for that city, could not possibly have been made unless an immense secret service fund had been guaranteed and created beforehand.

I know of only one citizen in Los Angeles who has shown a willingness to spend thousands of dollars in such work. It is not right or desirable that the load should be borne by one man, and if the work is to be done here as it should be done a number of men who can afford it should collectively agree to contribute the necessary funds.

Encouragement of Reform

The announcement that this permanent fund has been raised for the purposes named should have a wonderfully encouraging and stimulating effect upon the forces for good government in our city, and a correspondingly depressing effect upon the forces for evil which have long recognized the weakness of reform movements on account of their general lack of financial support, while venal politicians have no difficulty in securing large contributions from predatory and privilege seeking interests.

It is not contemplated that the Good Government fund shall do anything more than raise and disburse money. The actual work to be supported would be done, as at present, by other organizations.

Viewed strictly as a business proposition, the raising and wise expenditure of such a fund would pay. From a moral and patriotic viewpoint it is at least equally important. Men do not hesitate to give large annual subscriptions and endowments to charitable and philanthropic institutions, but the important benefits to the state arising from the liberal support of governmental reform seem not to be generally recognized. It is fully as important that crime, poverty and disease be pre-

vented as it is that the unfortunate victims be assisted after the event.

Listen to what that great weekly, the New York Independent, says:

"The political chiefs of American cities have for a hundred years so conducted government that it destroyed babies' lives, poisoned milk, manufactured sickness and industrial inefficiency, because neither these officials themselves nor their blind partisan followers nor the forces of righteousness have realized the connection between misgovernment and wretchedness, sickness, crime, poverty and industrial disorders."

Figures of Expenses

There has been such gross, willful misrepresentation on the part of the subsidized press concerning the amount of money used in reform campaigns in Los Angeles that I feel sure the facts in this connection will be interesting.

The first non-partisan city campaign cost about $12,000, several thousand of which had to be raised after the election, for a dead horse. Some of you may know how easy it is to get that kind of money.

About an equal amount of money was spent in the Lincoln-Roosevelt league campaign in Los Angeles county in a period of activity extending through a whole year, and this, notwithstanding the fact that it was charged by the "push" in their campaign literature that our expenditures amounted to several hundred thousand dollars; and the expenses of the recent recall campaign, including the expense of procuring the signatures for the recall petition and the nominating petition for Mr. Alexander, amount to just about the same figure.

In each one of these three great contests it cost just about $12,000 to make the race. But this was with strict economy. Considerably more than that is really required to make the right sort of a campaign in the city of Los Angeles, every cent of which can be used legitimately. And I want to say in passing that in all the political work I have spoken of, not one penny has been used for any questionable purpose; and I speak from personal knowledge.

To the uninitiated, $12,000 may look like a whole lot of money to spend on a political campaign, but when it is recognized that there are 189 precincts in the city of Los Angeles alone and 350 in the county of Los Angeles, and that we have a total registration in Los Angeles city of over 60,000, and in the whole county of about 100,000, and that it costs several thousand dollars to circularize the voters of this county by mail one time, we begin to realize how much money is required for the necessary purposes of a political campaign in a city of 307,322 inhabitants.

Population of Los Angeles

In reading a morning paper I notice that the president of the chamber of commerce is quoted as saying that he estimates the increase of population of Los Angeles as 10 per cent per annum, and that we ought to have 600,000 population in ten years.

Mr. Booth forgot to use his compound interest table when he figured his 10 per cent. An increase of 10 per cent each year in ten years would amount to an increase of 160 per cent, which would give us in that time a population of 800,000.

The city of Los Angeles has tripled in population in each of the last three decades, and I can see no reason why it should not do the same in the next ten years, and with the important developments going on and the great addition of population which will come to Los Angeles through its territorial expansion and consolidation with adjacent towns I think it very safe to say that we will have a population of a million in 1920.

Before we know it it will be necessary to organize again for the municipal election to be held in December.

Next Municipal Election

I have already suggested the organization of a Good Government league, and I hope to see some such organization perfected. Undoubtedly, in the next campaign and in all succeeding campaigns, there will be the usual opposition to the forces of good government, and while I do not believe that the contest will be any more difficult than the one we have just been through, there's many a slip 'twixt the cup and the lip, and a political contest is never won till the votes are counted.

We must remember, however, that in December there will be a Socialist candidate, probably again Mr. Wheeler, who will poll his whole party strength, amounting to about 3000 votes, even though the Socialists will have to write his name on the ballot. That vote, therefore, will have to be deducted from the 12,000 votes cast for the Socialist candidate, who was really, although perhaps unwittingly, the machine candidate at the recent election, for it is impossible to conceive that such a combination will ever be effected again. That leaves the total strength of the opposing combination at 9000, as compared with the 14,000 votes cast for Mr. Alexander, and gives the forces of good government a handicap of 5000 votes, which, in my opinion, it will not be easy to overcome.

Alexander's Administration

Mayor Alexander's administration will undoubtedly serve to disabuse the

minds of thousands of well-meaning citizens who were deceived into believing that his election meant blue stocking bigotry and prohibition, and who conscientiously voted against him on that account.

One such answered on a postal ballot by signing himself Pure I. Tan, giving his residence Psalm street and Salvation avenue, and under the head of remarks or suggestions saying:

"Make it a crime to smile;

"Close up all the theaters.

"Don't allow dancing."

"Make everyone go to church for his soul and to the cemetery for his recreation."

Some of those postal cards were exceedingly interesting and some were really surprising.

I think it will be demonstrated during the remainder of this year that our city government stands just for decency and business methods, free from the taint of graft, and is neither radical nor illiberal. Undoubtedly many disillusioned voters will line themselves up on our side in the fall campaign, when they have been shown.

Responsibility of Press

The newspaper which by reason of its espousal of a great movement for better government becomes recognized as a leading organ for such a movement has a serious responsibility thrust upon it, and it owes it to the cause to do nothing that will weaken its influence with the mass of the people. It need not compromise one whit with evil, but, on the other hand, it need not pursue a will-o'-the-wisp or advocate chimerical reforms, for the adoption of which there is little prospect. Such a policy only tends to make less effective the work of such a paper in behalf of real, practical reform.

I think, too, that the people are tired of the constant exchange of compliments between the reform and the pro-vice press. The papers that have stood for decency in Los Angeles have now reached a condition of influence with the people where, though the aggravation is great and the temptation to retort is almost irresistible, they can afford to ignore the attacks and the mud-slingings of the notoriously subsidized press, and I believe it will help the cause if they do so.

Supporting Leaders

Another thing that we, in common with all of the people of this state and nation, must learn, is to stand up for the men who are making our fight. We have got to defend our Roosevelts, our Folks and our La Follettes; our Heneys and our Spreckelses; our Earls, our Gibbons, and our Willards. And whenever in a campaign the men who are devoting their time and energy and the best years of their lives to the cause of the people, without expectation of reward other than the satisfaction of conscience and the appreciation of their fellow citizens, are attacked and vilified, it is, in my opinion, not alone unjust but a political mistake to maintain silence. Undoubtedly, the ignoring, so far as publicity was concerned, of charges and insinuations made against certain leaders in the recall movement, caused many voters to come to the conclusion that the silence meant that the accusations were well founded, and to vote accordingly.

Liquor Interest Vote

With reference to the vote controlled by the liquor interests and the avowed intention of the liquor dealers in Los Angeles to clean up their business and stand for decency and to refuse to be further bled, controlled and worked by corrupt political bosses, I can only re-echo the sentiment expressed by one of them a few days ago, when, after the election of Mr. Alexander, it gradually dawned on him that Mr. Alexander's election did not mean that he was to be forced out of business: "It seems too good to be true," he exclaimed, and it seems to me too good to be true that those in control of the liquor business in Los Angeles will, in the future, refrain from mixing in our local politics and attend strictly to the mixing of drinks. I sincerely hope it is what they call "straight goods," and I believe that there are sincere men among the liquor dealers who are conscientiously working to bring about the desired change; but for their own welfare they should act in good faith.

The great wave of prohibition sentiment which has been sweeping for several years from the east and south toward these western shores, must needs have made its impression. They have seen the handwriting on the wall. Let them take heed and not monkey with the buzz-saw.

I believe the attitude of several thousand citizens of Los Angeles, who are not church men or prohibitionists, is well illustrated by the change which has come over my own mind on this question (and I am of German extraction, and, so, as might be expected, am not inclined to be Puritanical in my opinions). When, a few years ago, the Los Angeles Express advocated the closing of saloons in this city, I felt so strongly the unwisdom of such a policy that I stopped my subscription to the paper. I didn't stop it very long, however, for I found I couldn't very well get along without it. Now I feel quite differently on the subject, and am firmly convinced that the people of Los Angeles will not tolerate saloons if once forced to the conclusion that saloons and good government cannot exist together.

If ever the people are compelled to choose between saloons and misgovern-

ment on the one hand, and no saloons and good government on the other, they will vote to close the saloons. Until then the anti-saloon propaganda will not be successful in Los Angeles; but, as sure as that day comes, the saloons will have to go; and I am quite confident that the election of either Mr. Harper or the Socialist candidate would have meant a dry town for this city.

Religion and Politics

In my opinion, the most dastardly thing that was done in the recall campaign (and it has been done in other campaigns in the city of Los Angeles)—a thing that is absolutely subversive of one of the fundamental principles of our American institutions—was the attempt, very largely successful, to prejudice the minds of many voters against our campaign and against the men connected with the movement on account of religious and racial considerations.

In this connection I cannot do better than to quote what President Roosevelt said in a letter to a man who had written him concerning Mr. Taft's religion, and which the president did not answer during the campaign, because he said he regarded it as an outrage even to agitate such a question as a man's religious convictions with the purpose of influencing a campaign. President Roosevelt said:

"To discriminate against a thoroughly upright citizen because he belongs to some particular church, or because, like Abraham Lincoln, he has not avowed his allegiance to any church, is an outrage to that liberty of conscience which is one of the foundations of American life."

So far as I am personally concerned, I have often taken comfort in the following quotation from that good Christian, Rev. Dr. Lyman Abbott:

"I will tell you the hope of our country today. It is that men in different parties are taking more interest in the kingdom of God, though they may not call it so, than they are in the victories of party politics. It is that Democrats such as Folk and Jerome, and Republicans like Roosevelt and Taft are working to bring about honesty and square influences in party politics, peace and accord between races and classes, and universally diffused welfare throughout the nations.

"When a man is doing that, whether it be by his vote at the ballot box, at the primary, or in the legislature, or as a governor or president, he is doing religious work."

Functions of Organizations

With the organization of a good government league in Los Angeles, such as I have suggested, I think the chain of organizations for good government purposes will be quite complete. I do not believe in a multiplicity of organizations, but I believe in enough organizations to do the work, and, if the time comes when we need another one, I will be in favor of that, too.

But with the City club to keep in close communion, year in and year out, the friends of good government, and to keep them inspired and informed, and the good government league to back up with organized effort worthy candidates for municipal office, and the good government fund to finance campaigns, and the Municipal league to lend a helpful hand to our public officials in the practical discharge of their duties, and to watch the proceedings of the council and city officials generally on behalf of the people, I think the interests of the people will be safe in the city of Los Angeles and permanent good government can be assured.

I hope to see a City club and a branch of the good government league established in every city of any size in the state.

Comparative Conditions

When we look back a few years and compare our municipal and state governments with their present condition, we have reason to feel well satisfied with the progress made. We have established much better city government in all our large cities. We have compelled our legislators, city councils and boards of supervisors to sit up and take notice of popular opinion. We have laid the foundation for a people's government in California; and there is much satisfaction for us Los Angelenos in the reflection that most of this reform work has had its inception and its inspiration right here in our own city. Los Angeles boosters may make another claim: Los Angeles leads any city on the Pacific coast in civic advance. Let us not rest content until we are recognized as the most progressive community in the world in all that pertains to better city government.

We have here in California the most glorious land that mankind ever lived on. From all parts of the world come real men here to make their homes. The sturdy pioneers who braved the terrors of mountain and plain to come to this land of promise were strong men—men of character and intelligence, and their sons have inherited their manly qualities. And the men and women who have followed in these later years are of the same stamp—progressive and aggressive—liberty-loving, and hating above all things graft and misrule and misgovernment. They have long been patient while greedy, self-seeking interests have robbed the people. But at last they have awakened. From one end of the state to the other the people are shaking off the tentacles of the octopus. At last a better day is dawning, and, unless all signs fail, we are going to have a government in this glorious state which will be worthy of its traditions, its opportunities and its people.

J379.4

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SPEECH

OF

HON. J. W. McCORKLE, OF CALIFORNIA,

ON

CALIFORNIA INTERESTS.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, AUGUST 30, 1852.

WASHINGTON:
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1852.

CALIFORNIA INTERESTS.

In the Committee of the Whole on the state of the Union, in behalf of California interests,

Mr. McCORKLE said:

Mr. CHAIRMAN: I would not undertake, at this late day in the session, to address this House on ordinary subjects; but as the matters upon which I shall remark are important to my constituents, I ask permission of the House to write them out at length. As an impression is sought to be created in the minds of the people of California, by evil-disposed persons, that the Democratic and dominant party in Congress are not only inimical to their interests, but have, without cause, delayed the passage of certain laws of the last importance to them, which have been recommended by the present Executive; I deem it a duty to myself and colleagues, and to the party whose principles I have ever advocated, to set the facts properly before the people of my State, and let them judge for themselves as to the true state of the case, and decide as to which of the two great political parties of the country they must look for that enlightened and liberal legislation which their peculiar and anomalous condition requires. I have no motive, and certainly no desire, to deceive any man; and holding to the idea that a dishonest politician is a dishonest man, I am personally, as well as politically, responsible for the truth and correctness of what I may say.

The position which California holds to this Union is a delicate one. Separated as we are by thousands of miles of plains, deserts, and almost impassable mountains, from our sister States, and feeling from this isolation keenly the power of this Government to protect us in case we should need your succor, and bound to you and our free institutions by bonds which accumulate strength by their extension, anything like neglect falls with stunning force and effect upon us, and is, beyond doubt, and naturally enough, calculated, however repulsive the idea may be, to lead the mind to look to ultimate results, and contemplate the possibility of a separation, and the establishment of an independent Republic on the Pacific. My object in the remarks I am about to submit is to demonstrate on the one hand, that to the Democratic party of the United States must the people of California look for that liberal and progressive legislation and action which is necessary to develop and make available our own vast internal resources, and eventually give us the control and profit of the trade and commerce of the nations inhabiting the islands and the western shores of the Pacific; and on the other, that we cannot expect, and will never receive from the Whig party, identified as it is with restriction upon commerce, and conservatism in politics, as opposed to progress, that legislation, liberal and free, that our position and condition require.

The war with Mexico, and the results, one of the most important of which was the acquisition of California, was declared, and supported from the beginning of hostilities until the treaty of peace, by the Democratic party, and was opposed by the Whig party with a rancor and violence which has cast upon some of the prominent men of that party a suspicion of their fidelity to their country, which will extend to the third and fourth generation of those who at that crisis arrayed themselves against it. After the treaty of peace, weak minded and timid men were alarmed at the results, and a portion of the American people, living thousands of miles from the newly-acquired territory, gave themselves great trouble and uneasiness in regard to the form of government that should be adopted by the people of California. Mr. Polk, at that time President of the United States, recommended to Congress the immediate organization of a territorial government, and the extension of the laws of the Republic over us. The Congress, however, of the United States was at that period composed of men—some of whom, I regret to say, are still to be found in high places—who arrogated to themselves the right and the power to prescribe all laws and regulations for the people of the Pacific; an assumption in direct conflict with all the fundamental principles of this Republic, and betraying an arrogance truly contemptible, in supposing we had not the ability to take care of ourselves, and regulate our own domestic affairs.

The recommendation of Mr. Polk was disre-

garded, and Congress failed to enact any laws for our benefit and protection, and we were left to take care of ourselves. In the mean time, the military government put in operation during the war, continued in existence, exercising all the powers conferred on Congress and the President by the Constitution of the United States. They levied and collected taxes—galvanized and kept in full force the miserable alcalde system of Mexico, from which the seeds of endless litigation have been sown broadcast over the country; they appointed and removed civil officers at pleasure, vesting them with the most arbitrary powers; refunded from taxes collected of the people, military contributions levied during the war; expended in the erection of barracks for the army hundreds of thousands of dollars, at a point which had no recommendation, other than the possibility of a good speculation to those interested; threatened, when the citizens of San Francisco refused to pay the customs on goods imported, to bring all the forces of the Navy and Army, to compel their obedience to the usurped powers of the military government. At last the people, finding that their own Government at home had refused them protection, and had denied them the benefits of the laws of the United States, determined to make for themselves a government, and enact their own laws. Whilst the minds of the people were occupied with this important measure, the letter of President Taylor was received, recommending us to organize a State government at once, and send on our constitution, and apply for admission into the Union, in order to avoid the agitation of the slavery question, which then threatened the very Union itself.

When the failure or refusal of Congress to act in our behalf became known, loud and deep were the curses and complaints, not upon the Government, nor upon the people of the United States, but upon those in power, and whose duty it was to protect us, and had not the moral courage to do it. The American mind never stands still—American energy knows no fail—and the staunch republicans inhabiting California, who had periled life and property in the mountains, on the plains and deserts, were not the men to be discouraged or endure longer the exercise of powers usurped by military officers; they resolved to make for themselves a government, and enact for themselves laws suitable to their wants and condition. The history of man does not present a more sublime record of human action than this. On the unexplored shores of the Pacific, thousands of miles from our mother country and sister States, surrounded by an almost equal number of foreigners, ignorant of our institutions, and who gave obedience to law only through fear, the indomitable energy of the American character, and their love for republican institutions, and the Republic itself, led them on to the formation of a government which, for radicalism and simplicity, has no equal, and no precedent. By force of public opinion the wheels of State were put in motion. In view of this condition of things in California, the population of which was made up from all quarters of the world, whose customs, manners, and mode of life all tended to engender and increase crime and disorder, no part in the history of mankind presents so sublime a spectacle, or furnishes proof so convincing of the capacity of man for self-government. Thus, from discord, anarchy, and political chaos, sprang California, like Venus from the sea, beautiful, mature, and perfect, the youngest sister of the Union of States, and the first-born of the Pacific, lovely in climate and scenery, rich in gold and precious stones—"the bright particular star," which attracts the gaze of thousands who never heard of the comeliness of her sisters.

Our admission as a State into the Union, whilst it racked the Republic to its center, has also, it is to be hoped, settled forever the rights of one portion of the Confederacy under the Constitution, and demonstrated to the other the absolute necessity of respecting them, if they would have the Union perpetual. The people of California did not prohibit slavery by constitutional enactment in obedience to the recommendation of the Cabinet of President Taylor, but because a majority of the people thought it was not their interest to adopt it. The people of California recognize the right of every State to regulate its own domestic affairs, and deny both the right and policy of interference by other States. The rapidly-increasing population, as well as the geographical position of California; her extensive territory, having over nine hundred miles of sea-coast, and so great a diversity of interest as between the upper and lower portions, that a division and organization of another State out of her territory is resolved into a simple question of time. Already the Legislature has placed the question before the people for their decision this fall; and if they find that it is their interest to divide the State, they will do it. The great disparity in the cost of every necessary of life, the inequality and absolute injustice in the levy of taxes and the fees of office—light in one portion of the State and burdensome in the other—demand a division, if not immediate, at some early day.

In the formation of a constitution, the people will act for themselves; and if they find it expedient to ingraft upon it the institution of slavery, they will do so, and will send up to you a constitution republican in its every feature, and ask for admission into the Union. The people of California, sir, hold, and will maintain inviolate, the right of each State to regulate its own domestic affairs, and will never surrender one tithe of the attributes of sovereignty which attach and belong to them. The people of the Pacific are like unto those on the Atlantic in one particular; and that is, in adopting and pursuing that course of policy which they may suppose will conduce most to their prosperity and happiness. If it is found that slave labor is or would be beneficial, I think it is probable that they, like those of any other State, will seek a profitable investment for their capital. My constituents are, I believe to a man, in favor of the "compromise measures," and will aid and assist whenever occasion may require in carrying them into execution, believing as we do that on their faithful observance depends the Union. They love this Union—ay, sir, as the she grizzly bear of their own sublime mountains, loves her whelps—savagely; and if the time should ever come, (which the gods forefend,) when it is necessary to take up arms to protect the Constitution, the rights of the States, and the Union itself, they will know but one banner, and that will be the stars and stripes.

The rapid strides of California in all that makes

a State powerful, is the wonder of the world; and our condition requires speedy and prompt legislation. While we acknowledge the tardiness of legislation which necessarily exists in all Republics and Governments of complex powers, we feel sorely its results. Our rapid progress and advancement, which, in the short space of three years, in the product of wealth, in commerce, and taxes paid, has placed us in the position as the third State in the Union, requires rapid legislation. It is true, that in the last Congress, most of which was consumed before California was admitted into the Union, many, and apparently extravagant, appropriations were made for her benefit; and I regret to be compelled to admit, that the neglect in some cases, and the faithless manner in others, in which the law appropriating this money has been executed by the party in power, has furnished strong and good reasons for those in this House, of the Democratic party, otherwise favorably disposed to advance the interests of my constituents, to delay action on measures which I have brought before them, and which all acknowledge to be necessary and important.

Much, if not all, of reckless neglect and mismanagement in the execution of the laws, so far as California is concerned, has resulted from the colonial policy adopted by the party in power in sending from the Atlantic States men to fill the most responsible offices on the Pacific; and the odium and disgrace which attaches, as it must, to some one, ought, and, in the minds of all just persons, will fall upon those in power. The defalcation of Mr. Collyer, who, as a reward for his partisan services, was sent to California as collector of the port of San Francisco, amounting to nearly $800,000, cannot be charged to my constituents; for I state here, and take pride in doing it, that there were, at the time of his appointment, hundreds of men belonging to the Whig party in California, capable and honest, who would have so conducted that important office that not one cent would have been lost to the Treasury.

The appropriations made for California during the last Congress, amounting in the aggregate to over $1,000,000, have been, as I have already admitted, mismanaged; and however unpleasant the duty, yet I am compelled to hold up to this House, in justification of my constituents, the manner in which it has been done, and place the responsibility where it belongs—on the Whig party in power.

And, first, I call your attention to the use made of the fund appropriated for a marine hospital at San Francisco—an institution for which I shall ask an additional appropriation of this Congress.

MARINE HOSPITAL.

A "Democratic Congress" in 1850 appropriated $50,000 for the erection of a marine hospital at San Francisco. In no country perhaps in the world is an institution of this kind more required than in California. An agent, a partisan Whig, was sent out for the purpose of selecting the site upon which it should be erected, receiving for his compensation the sum of $16 per day. This officer, like all others sent out from the Atlantic States to look after the interests of my constituents, "whiled away" some six months, and did absolutely nothing; and to this day the amount appropriated for this humane and benevolent purpose has not been expended, and the only result of the law has been that a favorite of the Whig party has received, no doubt for partisan services, his full share of the amount appropriated. It is a lamentable fact, of which I have before spoken, that the Whig party and this Administration cannot find men of their own political faith on the Pacific who possess the qualification necessary to discharge the duties of the various offices which exist there; and as the representative of the whole people of California I repel the imputation thus cast by implication upon them, and condemn the colonial policy of the Whig party of the Atlantic States, which dictates the appointment of men to high and responsible offices in California who know nothing of the interests or condition of the State, and, being mere political adventurers, care still less. By this policy of the Whig party my State has been almost ruined; and it will require the best efforts of a Democratic Administration to restore her damaged reputation, and bring her affairs back to a healthy and creditable condition.

INDIAN AFFAIRS.

Among the questions of importance which first attracted the attention of "the Democratic Congress," after the admission of California as a State into the Union, was the condition, control, and management of the Indians. An appropriation was made, and the President authorized to appoint three commissioners, with full powers to treat with them, and to make such other arrangements as the circumstances might require. As in other cases, in pursuance of the fixed policy toward California adopted by the present Administration, three gentlemen, entirely ignorant not only of the country, but especially of the nature and habits of our Indians, were sent out from the Atlantic to protect the people of the Pacific from the savages who inhabit our State. These men, as might be expected under the circumstances, have committed the most egregious blunders, and find opposed to them and the policy they adopted not only the entire population of California, but the Senate of the United States, which has rejected every treaty made by them with the Indians, unanimously. The enormous debts, amounting in all to nearly $1,000,000, have been repudiated; and unfortunately, while justly depriving these imported officers of their portion of the profits and speculation, many innocent third parties, who from their ranches and stores have, in good faith, furnished them supplies, are also compelled to suffer losses.

The question raised, and which still exists undetermined, as to whether the commissioners acted with or without the concurrence of the Indian Department and the Administration, I leave to the parties themselves to determine, but am in justice bound to say, that when the enormity of the acts of the commissioners in California was brought fully before the country, by a debate which occurred in this House some months since, the Administration, which up to that time had been dormant, moved in the matter, and dismissed these men from office. In view of, and to avert, the difficulties which may arise, if absolute war does not result, the present Congress have appropriated $100,000, and established the office of Superintendent of Indian Affairs, with full powers, in order to quiet the Indians and remove the evils which would, in all probability, result from the necessary repudiation of the acts of the commissioners.

The history of the Republic does not present an instance so flagrant of the usurpation and abuse of power as that exhibited in the action of these commissioners. They have not only usurped powers reserved in the Constitution to the President and Senate, in making and executing treaties, but have assumed to themselves a power expressly given to the House of Representatives in the appropriation of money, and have absolutely, with a vanity and arrogance unheard of, drawn upon the Treasury for hundreds of thousands of dollars. The absurdity and ridiculousness of their official action almost forbids one from characterizing and denouncing it in the terms which it deserves. With such abuses of power and frauds in office, as these exhibited and proven, can it be wondered at that a Democratic Congress is slow to make appropriations or enact laws for the benefit of California while the Whig party holds the power in the executive branch of the Government?

LIGHT-HOUSES.

In the year 1850, and immediately after the admission of California as a State into the Union, an appropriation was made by the then "Democratic Congress" of $90,000 for the erection of light-houses on the coast of California, and also, in the year 1851, an additional appropriation of $15,000 for the same purpose. It was apparent at that time, and the subsequent history of my State has established the fact, that the commerce of the Pacific would rapidly increase, and in order to give every facility and protection, the above appropriations were made. Notwithstanding the great necessity for the immediate erection of these light-houses on our coast, this appropriation remained untouched in the National Treasury for more than eighteen months: a fact in itself sufficient to demonstrate that the existing Whig Administration has conceived no new or sudden affection for California, as claimed by their supporters in my State.

At last, when urged to execute the law passed by Congress for the protection of our commerce, and the safety of the lives of the thousands who are seeking a home in California, the contracts for the erection of the light-houses were made, and from the purest patriotism, no doubt, and a sincere and ardent desire to exhibit in the most forcible light the strong affection of the present Administration for my constituents, Mr. McGinnis, the clerk in the Treasury Department having especially in charge this matter, after a full and careful examination of the estimates, &c., determined to sacrifice himself, and deprive the Treasury Department of his invaluable services, undertook this labor of love by taking the contract himself. Finding, however, from some cause best known to himself, perhaps, that the Treasury of the United States would not be safe without his presence, and that he could not go to California, he determined to "job" out his contract to the lowest bidder. This gentleman, no doubt, congratulated himself on the great service he was rendering my State, when he found persons willing to take the contract off his hands, and pay him a round sum of thousands, a moiety of which he retained for his own invaluable services, and the balance handed over to his worthy coadjutor in promoting the interests of my constituents.

This pretty little speculation, and peculation, by a clerk in the Treasury Department has been examined into, as I understand, by the committee of the Senate appointed to ferret out the frauds upon the Treasury, of which we have heard so much of late, and the facts as above stated fully proved. I wish to call the attention of this House and of my constituents to the fact that a Democratic Congress made the appropriations which were necessary and required, and that an official under the present Whig Administration, taking advantage of his position, has speculated, or rather peculated, at the expense of the people of California, and after a delay of near two years the contracts are let under the circumstances I have just related.

But, sir, this is not all. As if to add insult to injury, and in order especially that the people of California should have none of the advantages of the public works which may be contracted for in the State, all the material, workmen, and mechanics necessary for the erection of the light-houses, are shipped from this country.

The following article from the National Intelligencer, the accredited organ of the Whig party, finishes the history of this exhibition of the deep interest felt by the present Whig party, in the affairs of California:

"THE CALIFORNIA LIGHT-HOUSES.—The barque *Oriole*, now lying at Chase's wharf, Baltimore, has been recently purchased by Messrs. Gibbons & Kelly, (the contractors for the erection of light-houses on the Pacific coast,) and under their superintendence entirely refitted, rendering her one of the most substantial and beautiful vessels of her class out of the port of Baltimore. She is loaded with all the material necessary for the houses, with the exception of stone; and we are informed that the carpenters', tinners', and sandstone work is of the best workmanship. The Oriole is commanded by Captain L. H. Leutz, an experienced navigator of the Pacific. A number of our best mechanics go out in her to put up the houses; and from every indication the contractors have fully justified our prediction some months since of their entire capacity to comply with every requirement of the Government. There are eight houses altogether."

THE CENSUS.

The principle of representation, as developed and adopted in our Constitution, is of the most vital importance, and no subject is watched with more zealous and jealous care by the people of the States and their representatives, than the due apportionment of Representatives according to their population. To sustain and establish this principle, our fathers of "'76," took up arms and pledged their lives and fortunes. In no one thing appertaining to California have our rights and interests been more ruthlessly sacrificed by this Whig Administration, than in the entire and complete failure to make an enumeration of the inhabitants of the State.

An act was passed by Congress in 1850, authorizing an enumeration of the inhabitants of the United States, and a liberal appropriation was made by a "Democratic Congress." Under this law a gentleman of high estimation and standing in the Whig party in California, and one who presided over the deliberations of the recent Whig convention of my State for the nomination of candidates for Congress, &c., &c., and whose name is appended to the resolutions of that convention, in which this "Democratic Congress" is bitterly assailed, and charged with all kinds of malfeasance and neglect of the important interests of our infant State, was appointed commissioner to take

the enumeration for California. He accepted and was sworn into office, and appointed his deputies in almost all cases from his partisan friends. The report, as made to the Legislature of California in 1851 by this Whig commissioner, who, by his indorsement of the resolutions of the Whig Convention over which he presided, charges so furiously upon the present "Democratic Congress," admits that his duty has been but half performed, and that his enumeration of the inhabitants of the State is from thirty to fifty per cent. short of the actual number.—(*See Journals of Legislature for* 1851.)

This report of this Whig commissioner came up as a matter of *record*, as an *official report*, before "the present Democratic Congress;" and by it, California could ask or demand but *one* Representative, though every man in the State knows we would be entitled to *three*, if this Whig official had performed his duty. Thus stands the *record* from the leading Whig in the State, and upon it "the present Democratic Congress" was bound to act. The "Democratic" Representatives in "this Democratic Congress" protested, in the name of the people of the State of California; and demanded that they should not be robbed of their just representation, by either the frauds or the neglects of a Whig Administration or of Whig office-holders. Our protests were not made in vain; and I return the most profound thanks to "the Democratic majority" in the "present Congress," that they have disregarded the official report of a Whig officer, and have given what, it is true, by his record, we had no right to demand—a fair and just representation to the State I have the honor, in part, to represent, on our statements of the facts, and estimates of population.

Though I believe the State of California has a population, if truly enumerated, that would entitle her to three or more Representatives on this floor, yet, under the circumstances, I am satisfied; and believe the people of California will be, also. It cannot be, and will not be alleged, that the appropriation by the "present Democratic Congress" was insufficient to take the Census; for, by the report of the United States Census Commissioner, there is a surplus of over $40,000 in his hands unexpended. On this subject, then, the "present Democratic Congress" have performed their duty, and the present Whig Administration has failed to do theirs. There is, perhaps, no other question in which the people of California have a greater interest than in this. As long as we have the ear of the people of the Republic, we are safe; and though it may require time for us to make them understand our peculiar and anomalous condition, and delays may be the consequence, yet as long as we have our full and fair representation on this floor, we will not doubt that full and fair justice will be done us in the end, and that all of our wants and necessities will be fully met by our sister States.

As unpleasant as it is to me to submit this record of abuses of the Whig party in California affairs, and as prejudicial as I know, if not properly understood, it will be to the interests of my constituents, yet, in view of the fact, that we are soon to have a change in the Executive Department of the Government, I ask, with confidence, your attention to the condition of things on the Pacific coast, believing that "the present Democratic majority in Congress" will do full justice in the premises.

CALIFORNIA MINT.

You have already passed a law establishing a branch of the United States Mint in California, an institution more needed than any other, and the want of which affected every man in the State. The opposition which was made to the passage of the law, and occasioned the delay of over six months, was concealed, but none the less powerful. The owners of the United States assay office at San Francisco, were deeply interested in delaying the passage of the bill, and in person or by their agents, were hanging about the Capitol all winter, using through their political friends on this floor, all the advantages which the wretched and miserable rules of this House give a factious and unscrupulous minority. The appropriation of money necessary to carry out the law has been made, and the interests of California, as connected with this institution, are now in the keeping of the Executive, and it is to be hoped no time will be lost in putting the Mint into successful and active operation.

THE CIVIL FUND:

The bill entitled "An act to authorize the Secretary of the Treasury to settle the accounts of certain officers," which has passed the Senate, and is now in the hands of the Military Committee, is one of importance to California; and though I will not now go into an elaborate examination of its merits, preferring to defer the investigation until it is brought before the House for action, yet I will give the substance, and a few of the reasons why we demand that the money thus collected, known to my constituents as the "civil fund," should be paid into the treasury of the State of California.

After the treaty of Guadalupe Hidalgo, the Military Government established prior to its ratification, was, as is claimed, from necessity, continued in force, and exercised the power of levying and collecting taxes in peace, as they had military contributions during the war. Our claim is this—(and we do not come begging, but demanding its recognition as a matter of right, of justice, and upon principle; a principle ever to be held, I hope, inviolate, by an American Congress, and one, for the sustaining of which our fathers pledged their "lives, fortunes, and sacred honor")—the taxes collected after the treaty of peace, and prior to our admission as a State into the Union, amounting to near one million and a half of dollars, was collected without authority of law—by usurpation of powers on the part of military officers, and without representation. We therefore claim and demand that all moneys collected in California after the treaty of peace with Mexico, and prior to our admission as a State into the Union, shall be paid over into the treasury of the State of California.

THE CALIFORNIA BATTALION.

The next question to which I desire to call the attention of the House, is to the payment for services rendered by the American residents in California, as volunteers, during the Mexican war. Prior to the arrival of dispatches announcing that war existed between Mexico and the United States, an attempt was made by the Mexicans to drive the American settlers out of California. Like all

Americans, in whatever part of the world they may be found, those who had settled in California determined to resist tyranny in any shape in which it might present itself. They armed themselves, and, not waiting for the attack, hoisted the "Bear flag," and drove the Mexicans out of all that part of California north of the Bay of San Francisco. When about to push their successful and patriotic little army further south, news of the existence of war between the United States and Mexico was received—the "Bear flag" was hauled down, and the "Star-spangled Banner" raised, and one and all of that gallant band enrolled themselves under its folds. Under the command of United States officers, they conquered and held possession of California, and delivered her to you a free-will offering. Those brave men, many of whom had just completed a long and tedious journey over the plains and mountains, giving their families over to the charge of the kind, brave, and hospitable Captain Sutter, entered the ranks, and did good service; others, residents of California, left their homes and harvests, and enlisted under your banner. They supplied themselves with arms, ammunition, horses, and subsistence. They as yet have received no compensation for their services, and I predict, with the fullest confidence, that the "present Democratic Congress" will not adjourn without making full and ample compensation to the brave men who have added California, the brightest star in your galaxy, to the Union.

THE SANDWICH ISLANDS.

In reference to California and Pacific interests, I will call the attention of the House to the acquisition of the Sandwich Islands. I am not contemplating their acquisition by force or fraud. I am not inviting an imitation of the French in their seizure of the Society Islands against the will of the inhabitants, nor of the English in their aggressions upon the weak and defenseless in all parts of the world; but of a peaceable acquisition, at the earnest request and desire of the people and the authorities of the Islands themselves. It is a well-known fact, that these delightful and productive Islands have been the great objects of missionary effort on the part of the Christians of the United States—that the industrial change which laid the foundation for social, Christian, and political organization, was introduced among the inhabitants by Mr. Brinsmade, an American citizen, who introduced the idea of separate property and rights among the people, whose persons and property prior to 1835, was under the entire control of the King and chiefs. He also first introduced the culture of the sugar-cane. With the rights of property, came notions of correct government, and under religious teachings, education, and the example of Americans among them, society has assumed something like system and regularity. But it is manifest to all thinking men, and especially to the people of these Islands, that they are too weak to maintain a separate independence, and must seek the protection and submit to the control of some other Power. Essentially, not only from natural position, but from teaching and intercourse, to escape English and French domination, the people and authorities have sought annexation to the United States. A regular treaty of cession was made with the Hon. L. Severance, our Commissioner, tendering these Islands to our Government, which is now on file in the State Department. Mr. Fillmore rejected the treaty, and, from the general policy of this Administration, seems to think that the best disposition which can be made of the Islands is to place them under the joint protectorate of the United States, England, and, I suppose, France. The treaty, and all correspondence connected with it, has been refused to the Senate by the President, although called for by solemn resolution.

To this subject I wish to call the attention of this House, and the American people. The possession of these Islands by the United States is not only of the highest importance to California and the Pacific, as matter of security in time of war, and especially in a war with Great Britain, but their trade is of vast importance, and their possession almost necessary to the United States, in a successful prosecution of commercial enterprise with Asia and the Pacific Islands. The settlement of our Pacific coast, and the transit of the Isthmus, with the gold discoveries on the Pacific, render it certain that the trade of the East will change its course, and that the commerce of the world will find an American route. In view of these grave matters, the Sandwich Islands are to us of untold importance. Their rejection by the President not only creates surprise, but awakens amazement, and is one of those stupendous blunders, politically, that can find no excuse or palliation. It must be that the subject is too large for the microscopic view of those in power, or that they have failed through ignorance of its importance, or short sightedness, as the gnat's eye is incompetent to grasp the steeple of St. Paul, or it must result from the vice and error of a political creed. Some reason must be sought for—either danger to ourselves, from defect in our system, from expansion, or apprehension of interference from foreign Powers. To reject them from apprehension that our territory is already too large, is an impeachment of our political system. Lack of faith in the principle of self-government for extended territory, manifested itself at an early period in our history; and had it prevailed, would have limited us to the east of the Mississippi. This notion originated with the advocates of monarchy, and became a maxim that self-government was only possible in small territories. It would seem that our own experience should have dissipated this error; but we have sad proof of the reverse in the rejection of the Sandwich Islands by the present party in power.

The acquisitions we have already made have demonstrated its folly, and their admitted wisdom and necessity should have saved even Mr. Fillmore from so gross a blunder. In this respect, however, he has adhered to the principle of his party—"*opposition to an extension of our limits;*" which it would have been supposed that pride in our growth and power, if not patriotism, would have rejected. But putting the principle into activity at this time, and in application to so grave a case, proves that it is still an elemental principle of the Whig party; and, thus viewed, challenges and demands the consideration of the American people as to how far they will give it recognition, by placing its advocates again in power. Every enlightened European mind has foreseen the ultimate control of the entire continent and its islands by the United States, and declared that it was a result idle to lament and useless to oppose. In-

deed, so far from regarding it as a matter to be regretted or opposed by other Powers, they concede that it will be beneficial to the interests of mankind—contribute to the preservation of public peace by removing causes of collision, which must arise in the efforts of monarchs to assert dominion, which, in the nature of events, must cease either by consent or force—that Europe has no right to control America or any portion of it, and should only look to her for justice, amity, commerce, and kind offices. How the idea should ever have obtained that it is safer to our institutions that monarchies should have lodgment upon our continent, and strongholds in our islands, than that all should be under like principles and form of government with ourselves, can only be explained by the foolish belief that monarchy is not only the best form of government for the people, but the best protector of republics. But it may be objected that if too large, we may fall to pieces from our own unwieldiness; if so, is not the principle of self-government better protected, in the fact that there are many free Governments all opposed to the despotic principle, than that there should be only one small feeble republic, afraid of expansion, which may prove its destruction, and existing only by the sufferance of other Powers? It is time that the exploded anti-American notion that our Government is only suited to a small territory should cease to operate upon or have advocates in power.

But the scheme of a joint protectorate which the general policy of the President suggests, is nothing less than the introduction of the European balance-of-power principle into American affairs by treaty stipulation. We agree to forbear the extension of our limits, whilst European Governments, to preserve the balance of power, and to prevent one nation, by conquest or acquisition, from growing so formidable as to endanger the safety of its neighbors, unite by force to check each other. We have never conceded the application of this principle to our continent, nor have the powers of Europe dared to attempt to enforce it. Our position forbids its application, and we early asserted that we would not tolerate further European acquisition in America. But if we enter into joint treaties to guaranty the separate independence of the American islands, we not only place it beyond their power, by their own consent, to become annexed to the United States, but exclude ourselves from their acquisition in any other mode, except at the hazard of general war. Thus we consent and obligate ourselves not to extend our limits by the annexation of those who desire it. Thus European Powers accomplish by treaty what they dare not assert by force, and we, by foolish consent, surrender our rights as a nation, and occupy the precise crippled and powerless position in which they desire to place us. Why should we, by treaty, agree that the Sandwich Islands, Cuba, Mexico, Central America, and Canada, should not become parts of the United States if it may be found to be the wish and interests of all it should be done? Yet these schemes of joint protectorates, and entangling alliances in Central America, to guarantee, in the transit of the Isthmus, to all nations equal benefits with ourselves, is not only to forego advantages resulting to our position, but an admission on our part of European right to interfere with American affairs.

Indeed, it was a matter of consultation with European Powers heretofore as to the mode in which check could be given to American growth, and seriously contemplated to establish monarchy in Mexico and South America. Some scheme of this sort would have been attempted had it not been for the late disturbed condition of Europe which threatened the extinction of despotism. But since the failure of Hungary, the overthrow of the French Republic, and the suppression of liberalism in Italy and the German States—the sense of danger escaped—has produced a hatred and terror of free governments more deep and consolidated than the fears that produced the combination against Napoleon and the alliance to suppress liberty. It is idle to suppose that the Powers of Europe have any real friendship for the United States, or will concede to us anything which is not extorted by interest or fear. Their eyes are beginning to open to the wonderful energies of our people, our vast resources for war, to our mechanic skill and superiority in naval architecture, and the conviction is beginning to obtain that the United States not only is now to be ranked at the head of existing nations, but is speedily destined to exert a controlling power upon the world. She is washed by the two seas of the world, and, starting on the Pacific and Atlantic at different points of the compass, reaches by opposite routes the great fields of Asiatic commerce. Our contiguity to China and Japan, and the certainty that the trade of Asia and the Polynesia will leave its old channels for the route across the Isthmus, has convinced England that we have the vantage position in the struggle for the world's commerce, and she is putting forth every energy to check and compete with us. She is giving every possible aid and encouragement to the settlement of Australia, and is setting on foot a line of steamers for a route across Central America. The most certain, and indeed the only successful way to divert to herself the great advantages incident to our natural position, is to obtain the control of the islands of the Pacific. From natural position and production, the Sandwich Islands is the commanding point of the Pacific, and in reference to the Asiatic commerce, they are directly in the channel of trade, and their possession will confer control, and their surrender to British or European dominion would be an irreparable loss.

If it be complained that the agitation of this question may have a party bearing, my answer is, that they make it so who have created the necessity for discussion. It is an American question, and there should be no difference of opinion. But if a party will make it a party doctrine, to oppose all acquisition of territory, to enter into "entangling alliances" in opposition to the advice of Washington, and the practice of the Government, to forego the asserted doctrines of Monroe, and the fixed determination of the American people, that monarchy shall obtain no further foothold upon our continent, it must expect condemnation and rebuke. A party that looks more to the interests of foreign nations than our own, ought not to ask the people for support and power, who demand at least ordinary intelligence and patriotism in the management of public affairs, and are not disposed that the Republic should receive detriment from vicious principles, weakness, or wickedness.

If Mr. Fillmore would relieve himself and his party from the dilemma in which he is placed, let him retract, and accept the treaty of cession of the Sandwich Islands, so far as in his power; and if the Whig party would wipe out their anti-American opposition to the extension and growth of our country, let them acknowledge their past offenses, and exert themselves to make reparation. They have sneeringly remarked that the Democracy has been employed in extending "the area of liberty," and have resolutely put themselves in opposition to any such wicked end; but failing heretofore in all their efforts, the country having gradually progressed from the Atlantic to the Pacific, they would now fain put a stop to such proceedings, by joint protectorates, and "entangling alliances," much after the fashion of the "Holy Alliances" and "balance-of-power" principle of the crowned heads of Europe. If Mr. Fillmore does not wish the people of the United States, and *more especially of California*, to rectify his blunder, let him soon correct his own mistake, and let him and the Whig party remember their fate, in their opposition to the annexation of Texas.

To reject these Islands from apprehension of foreign Powers, is a baseness which invites insult, and would seek safety in dishonor. As an independent Power, we should consult our own interest and will; and when acting within the scope of right, and in accordance with the principles of international law, we should not regard, much less fear, the selfish policy of others. To refrain from an act of right under threat of chastisement would bring upon us the interference and assaults of all despots. I see that the old and accredited organ of the Whig party places the rejection of the Sandwich Islands by the President upon the ground that their acquisition might displease France. But subserviency to foreign Powers seems to be a part of the Whig creed; and hence in this matter, as well as in all our foreign intercourse, we find that party on the side of our enemies. I am speaking of the party faith, for I admit that many good and patriotic men, from early education and association, who have been reared up in that Mohammedan creed, are just as honest in their motives as though of the Christian faith. The Whig creed, however, is nothing more than the offspring of avarice and fear; and hence, whatever might affect commerce, or expose to danger, has always been avoided by that party, even at the expense of honor, national independence, and the ultimate glory and prosperity of the Republic. I do not intend to make any remark offensive to that great body of our citizens who call themselves Whigs, because, in the true sense of the term, there are no more Whigs; the principles which composed the Whig creed are all dead, and I speak of those who opposed the war of 1812, that with Mexico, and of all our acquisitions, from Louisiana to California, the most valuable of them all; and I suppose there is no man who would dare avow such notions at the present day.

But in the rejection of the Sandwich Islands, Whig policy and Whig principles again manifest themselves, in their most odious form; not only opposing the acquisition of these Islands, but in seeking, if not to surrender them entirely to the control of foreign Powers, at least to take them in as full partners, in all the benefits and profits which may accrue from their possession and management. The fact that England is endeavoring to form an alliance with the naval Powers of the world, to guaranty the political and financial independence of Mexico, as a barrier to further American acquisition to the South, seems to meet with no disfavor from this Administration. Even the fishery question, in which England has made an effort to deprive us of rights in running a line that will cut us off from rights of fishing, which have been enjoyed "for a time whereof the memory of man runneth not to the contrary," fails to awaken that action, which the importance of the subject demands. England on this question, as well as others, seems well to understand the present Administration—the weakness of some, and the friendship of others—and so far unites civility with violence, that even in an act of war, she places at the service of our foreign organ an armed vessel for sporting excursions among the finny tribes, and courts to his vast brow the cooling dalliance of old Ocean's breath, whilst she carries war and armed ships to strike down the rights of our fishermen. Whether this compliment was designed to repay past favors connected with the Maine boundary question or others in expectancy, has not as yet transpired.

Sir, I trust in the ides of November, that the people will check this tendency to succumb to English policy; that they will make a change for an Administration of American feeling and principles; for an Administration which will carry out the doctrines of Monroe; for an Administration which will look to American interests and consecrate this continent and its islands to free government and free men. With this policy California is content; and if, in the accomplishment of our destiny, monarchy or despotism attempt to interpose and bring on strife, we say, "Let slip the dogs of war;" for in the shock of battle, in the conflict of freedom with despotism, dynasties and crowns must go down, and the people of the earth will have an opportunity to assert the right and dignity of man. We seek no war; we will submit to no wrong; but if the Powers of Europe atttempt to put fetters upon our growth, and interfere with our affairs, what American heart would not resist? If conflict must come of this, what American would not say, Let it come? Meanness and cowardice may oppose, avarice and fear may dictate submission, but who will tolerate such motives and feelings in the administration of our national affairs? Who will say that the Sandwich Islands shall be rejected from fear? Are we to receive lessons of fear from the Executive? Shall he teach the courage and pride of the American heart to forego the rights of the Republic from ignominious fears? Will he tell the American people that they shall not annex the Sandwich Islands from dread of offending France, England, or all of continental Europe? Let him tell them so; let Whig policy tell them so; but it will be found that the American heart will scorn such baseness, and assert our right and honor as a nation, if the shock of battle shake the world.

Thus I have submitted some views of California and her interests. I wish you to remember that the Pacific coast is as extensive as the Atlantic, with the largest and best harbors in the world; that it is contiguous to the millions of Asia; that the gold production of California threatens a social revolution in the Old World; that the increased

circulating medium increases the wages of labor and its products; whilst fixed incomes and pensions remain stationary. Let no man doubt the issue of such a revolution—let no man attempt to stay its progress; but let the islands and the continent, and the States and the people, be one forever, and all mankind will find repose under the protecting wing of free government. But the acquisition of the Sandwich Islands will produce no conflict—it will create no wars. It is as much as the Powers of Europe can accomplish to enslave their own people; they want no conflict with us; but it is essential to our Pacific interests that we should have the possession of the Sandwich Islands, and upon this point the people of California will speak with one voice. In the annexation of the Sandwich Islands it makes a part of ourselves—no "entangling alliances" are formed—no treaty promise of protection—no obligations with other nations; but we become one power, independent of the balance of the world.

NOTE.

The following is a corrected list of acts passed, and appropriations made by the present Congress for California:

An act to establish a branch of the United States Mint at San Francisco.

An act to establish and create the office of Superintendent of Indian Affairs in California, and Indian Agents.

To authorize the Secretary of the Treasury to establish two or more United States assay offices in California, and providing that the cost of assaying gold shall not exceed one per cent.

The bill organizing the Surveyor General's Office, and granting donation and preëmption privileges, passed the Senate, and by resolution of the House will come up the first of next session in its order.

The bill in regard to the "Civil fund" is in the same condition.

The bill to authorize the Governor of California to call out five hundred mounted rangers in case of Indian war, is in the same condition, and will come up first in order next December.

Statement of the amounts appropriated in the several Acts passed at the first session of the Thirty-second Congress, for purposes in the State of California, with the different objects enumerated.

1852.

TO SUPPLY DEFICIENCIES FOR THE YEAR 1852.

Completing dry dock at San Francisco	$360,000	
Boundary line under treaty Guadalupe Hidalgo	80,000	
Surveying 875 miles meridian lines	13,125	
Sub-dividing lands into townships	12,000	
Sub-dividing townships into sections	36,000	
Surveying private claims	7,500	
Salary Superintendent Indian affairs in California	1,318 68	
Presents and provisions for Indians	1,000	
Traveling expenses Superintendent	2,500	
		$513,443 68

1853.

ARMY.

Increased pay officers and men in California	$250,000	
Pay and equipments Frémont's battalion	168,000	
Pay board of officers to settle claims	2,000	
		$420,000 00

NAVY.

Increased pay officers, sailors, and revenue marine in California	$500,000	
Reconnoissance Pacific ocean to China, &c.	125,000	
Navy-yard and naval depôt	100,000	
		$725,000 00

MAIL STEAMERS.

New York to Chagres	$290,000	
Panama to California	348,250	
Transportation across Isthmus of Panama	100,000	
		$738,250 00

RIVERS AND HARBORS.

Harbor at San Diego	$30,000	
		$30,000 00

LIGHT-HOUSES.

Erection of light-house at Santa Cruz	$30,000	
Completion of light-houses	120,000	
Beacon at Humboldt's harbor	5,000	
		$155,000 00

INDIAN AFFAIRS.

Salary of Superintendent	$4,000	
Salary of clerk to Superintendent	2,500	
Salary of Indian agents	9,000	
Salary of Indian sub-agents	750	
Office rent of Superintendent	3,500	
Interpreters	3,000	
Furniture of Superintendent's office	500	
Flags	500	
Procure peace with Indians	100,000	
		$123,750 00

CIVIL AND DIPLOMATIC.

Salary of judge	$5,000
Salary of district attorneys	1,000
Salary of marshals	1,000
Salary of surveyor general and clerks	18,500
Salary of treasurer branch Mint	4,500
Salary of clerk to treasurer branch Mint	2,500
Contingent expenses independent treasury	3,500
Compensation to special agents under independent treasury	2,000
Survey of coast	150,000
Marine hospital	130,000

Sub-dividing land into townships	37,800	
Sub-dividing townships into sections	108,000	
Extension of townships into mineral regions	20,000	
Surveying private claims	22,500	
Survey of islands in Santa Barbara Channel	20,000	
Rent of surveyor general's office, &c., &c	11,400	
Commissioner of land claims	50,000	
Boundary line Guadalupe Hidalgo	145,000	
Branch Mint	300,000	
Salary of associate law agent	5,000	
		$1,037,700 00
		$3,743,143 68

For survey of the route of the Great Western RAILROAD from the Mississippi river to the Pacific	54,000 00
Total amount appropriated for California by the first session of the "present Democratic Congress."	$3,797,143 68

In addition to the above specific appropriations the amount paid for the expenses of collecting the revenue, rent of public buildings, pay to the Army and Navy in California, cannot be less than a million and a half of dollars, making the expenditure of public money in California, and for her benefit, during the present fiscal year, largely over FIVE MILLIONS of dollars, five times as much as was ever appropriated in any one year for a new State since the formation of our Government.

SPEECH

OF

MR. WELLER, OF CALIFORNIA,

IN THE SENATE, FEBRUARY 13, 1854,

ON THE NEBRASKA AND KANSAS BILL.

The Senate having under consideration the bill to organize the Territories of Nebraska and Kansas—

Mr. WELLER said:

Mr. PRESIDENT: If any person came here to-day with the expectation that I intended to make any reply to the very extraordinary speech which was concluded on Friday last, he will find himself very much deceived. There are personal considerations which alone would prevent me from having any controversy upon this floor with the Senator who delivered that speech. I only intend to-day, so far as the condition of my health and my voice will permit, to discuss some of the various questions which have been alluded to in the course of this debate.

I do not intend to go into a lengthy argument for the purpose of showing the necessity there is for the organization of a government in the section of country where it is proposed to establish the Territories of Kansas and Nebraska. There are a very few plain facts, which, in my judgment, ought to be sufficient to satisfy any one that the organization of one or more territorial governments in that region is indispensable.

You have within a few years past acquired an immense territory lying on the shores of the Pacific ocean. You have organized there a State government, which, ere long is destined to be one of the mightiest States of the Union. You have, in addition to this, organized two territorial governments. There is an immense tide of emigration flowing rapidly into that section of the Union. The overland emigration to that portion passes directly through that region of country which it is now proposed to organize into territorial governments. This is now occupied by a large number of hostile Indians. In order to give protection, then, to the emigrants against these Indians; in order to afford them the facilities to which they are entitled; in order to enable them to reach that distant portion of the Confederacy in safety, the organization of a territorial government is, in my judgment, indispensable. Besides that, there are yearly three hundred thousand emigrants who are coming to your shores from the Old World. The convulsions and revolutions in Europe will, in all probability increase rather than diminish the number. Driven by the persecutions of the Old World, they come here for the enjoyment of religious and political liberty. They desire, under our liberal policy, to sit down with us under our vine and fig tree, where there are none to molest or make them afraid. Besides, there are many in the different States of the Union who desire to emigrate to that region. There are many, sir, in the older States who are compelled to labor from day to day, and from year to year, and yet are unable to procure more than the ordinary necessaries of life. They desire to go, with no bank bills in their pockets, perhaps, but with honest hearts, and strong arms, to build up for themselves a home in this district of country. They will settle down upon the rich and productive valleys of Kansas and Nebraska; the Indian lodge will soon be broken up; their council fires will be extinguished, and the wilderness of to-day will bloom and blossom as the rose. With their energy, their industry, and their enterprise, they will soon surround themselves with all the necessaries, and all the comforts of civilized life. By making them the owners of the soil they cultivate, you lay the permanent foundation of your Government broad and deep in the affections of the people. The best security for the maintenance of the Republic will be found in making the great body of the people land-holders. As each is a part of the sovereignty, so he should be the owner of a portion of the soil.

The only difficulty which has presented itself to my mind has grown out of the fact that there are located upon a portion of this Territory of Kansas a large number of Indians who have been removed from the older States, upon the solemn pledge of the Government that they should not be disturbed. I desire, Mr. President, above all things, to maintain the plighted faith of this Government, whether it be given to the powerful or the weak—whether it be a pledge given to a civilized nation or to the unfortunate aborigines o America.

I desire to do no act here, as a public officer, which shall violate, in the slightest degree, the plighted honor of this Government to the unfortunate Indians; and therefore it was, Mr. President, that I was exceedingly anxious in the organization of these territorial governments that every care should be taken to protect the rights of the Indians. I believe that they are amply secured under the provisions of the bill and the proposed amendments. We have been compelled, in times past, to treat these Indians with great hardship. We have prevailed upon them to leave the homes of their ancestors, the graves of their fathers, their old familiar hunting grounds, upon the pledge that there, in that distant West, the white man should never disturb them. Little did we think then that in a few years the wants and necessities of our own people would demand the lands upon which they were located.

Sir, it is a melancholy reflection that these Indians must, in the end, be entirely destroyed. There is no human hand that can stay the onward progress of the white population. You might as well attempt "to arrest the rolling current or chain the deep" as to stop that onward progress. Humanity, therefore, dictates that we should do all in our power to alleviate their sufferings, and to soften the blow which stern necessity may require us to inflict. I know too, sir, that it is very common for us to exaggerate the inhumanity and the cruelties of the Indian population. I know that these charges are often concocted by the white man. I know there are thousands of unrecorded wrongs which have been committed upon this unfortunate population. They have no historian, they have no newspapers to chronicle the wrongs that the white man may perpetrate upon them. Tribes that numbered their warriors by thousands a few years ago have entirely disappeared from the face of the earth. They have faded away before the resistless march of the white man. They are now between the upper and the nether millstone, and extermination seems to be inevitable. I know of no policy which can prolong their existence for any considerable period. I trust, therefore, that if provision is not already made in the bill—(I do not pretend to be very familiar with its details)—that the Committee on Indian Affairs, who are especially charged with this subject, will make it their duty so to protect them. I would to Heaven they were as happy and contented this day, as well provided for in sickness and in health, as the black population of the South, over whom misguided philanthropists and wild fanatics are now shedding their crocodile tears.

This bill requires, before it operates on these Indians, that a treaty shall have been made with the President of the United States, ceding to this Government their possessions. I hope that treaty will be executed in good faith. I trust that no improper means will be used for the purpose of inducing them thus to give their assent. With a full and abiding confidence in the integrity, as well as the humanity, of the present Chief Magistrate, I doubt not that it will be faithfully executed. If this section requires additional guards to protect the rights of the Indians, I trust the committee will see that it is done. Above all things, let us deal justly and fairly with the remnant of these once mighty tribes.

Mr. President, there has been much said, in the course of this discussion, upon the effect of the ordinance of 1787. I shall not attempt to-day to discuss the question, whether that ordinance resulted in the exclusion of slavery from the territory upon which it operated. I know the fact that the Territories of Illinois and Indiana were constantly making applications to the Federal Government for a suspension of that restriction. The Senator from Ohio, [Mr. CHASE,] the other day, undertook to claim that that was considered by Congress as an irrepealable act; and therefore it was, that when these constant applications were made to Congress, they were uniformly rejected. In order to establish that fact, he quoted from a report made by the celebrated John Randolph, in the House of Representatives. Now, I submit to the Senator from Ohio, whether it was very fair, in quoting from that report of Mr. Randolph, to commence in the middle of a sentence, and publish that to the Senate and the world as the whole of what he said? Now I find, upon examination, that that portion of the report which the Senator has studiously avoided quoting, assigns the reasons why the eighth article in the ordinance of 1787 ought not to be suspended. I will read that portion of the sentence which the Senator from Ohio has omitted:

"That the rapid population of the State of Ohio, sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States."

This is immediately followed by what the Senator from Ohio quoted the other day. Now this report assigns the reason; and that reason was found in the character of the soil, and in the productions of that region of country. I think that when the Senator undertakes to quote a report, he is not justifiable in commencing in the middle of a sentence, especially when the first portion of it assigns the reason for the opinion given. Now, sir, slavery existed in both of those Territories. By the census of 1810 there were one hundred and sixty-eight slaves in Illinois; and in 1820 there were nine hundred and seventeen, showing very clearly that slaves must have been taken to that country between 1810 and 1820. These slaves were taken there in defiance of your ordinance of 1787. When the people came to form their State constitution and ask for admission into the Union, they thought proper, in the exercise of an undeniable right, to exclude slavery. If that ordinance had never been passed, I do not believe that slavery would have existed in any of the States carved out of that territory. The productions and climate of that region would have rendered slave labor unprofitable, and hence I infer it would have been excluded. So that, in my judgment, slavery was excluded by a higher law than the ordinance of 1787—*the law of nature*—the same law which expelled it from the New England States at the close of the last century; the same law will, in my opinion, exclude it from the Territories which you now propose organizing.

Now, with regard to the compromise of 1820, as it has been called, and the compromise of 1850, I have a very few remarks to make. I was no party to what is alleged to be the compromise of 1820. So far as I have been able to discover, it was an ordinary act of legislation, passed, I grant you,

under extraordinary circumstances. It was supposed by many at that day that the Union was in danger; and in order to obtain a majority in Congress for the admission of Maine and Missouri into the Union, what was called the Missouri compromise was passed. How many laws have found their way to the statute-book by a compromise of conflicting opinions? Upon every question affecting local or sectional interests a contrariety of opinions is found to exist, and these can only be reconciled by concession, by conciliation, by compromise. I see nothing in the act of 1820 which makes it more of a compact than a hundred other laws passed by Congress. And even if it were a compromise, as I was no party to it, I am under no obligations to support it. I cannot recognize the right of my predecessors to settle questions for me, especially when they transcend the limits prescribed by the Constitution. They had no more power then than I have now. They acted upon their judgments, as I propose to act upon mine now. Nor do I consider myself bound, as a legislator here, by the compromise of 1850. So far as the legislation of that Congress touched the question of slavery, it undoubtedly abrogated the act of 1820. The one established a geographical line beyond which slavery should not exist; the other recognized no lines, but left the whole question to the free and unbiased judgment of the people.

The act of 1820 imposed unconstitutional restrictions upon the sovereignty of the people. The organization of New Mexico and Utah in 1850, virtually repealed this restriction, and transmitted the whole question to the people. I grant you the law of 1820, and the series of acts passed in 1850, were enacted under extraordinary circumstances. On both occasions, it is said, the Union was in danger. That danger must have been much more imminent in 1850 than in 1820. At the latter period the population of the United States was nine millions; at the former twenty-three millions. In the mean while the country was filled with political anti-slavery agitators, who were constantly engaged in infuriating the popular mind against that institution. Then, indeed, the wisest men in the country began to despair of the Republic. Reckless fanaticism seemed to be standing, with a torch, ready to burn down that beautiful temple of liberty erected by the patriotism of our revolutionary fathers. The storm which had been gathering for years was about to burst upon our heads, carrying desolation and ruin throughout the land. Sectional prejudices had been aroused, and the foul spirit of disunion stalked abroad in the open day. It was under such circumstances that the acts of 1850 were passed.

Now, to which one of these "compromises" am I bound, if either? I have said before that I do not recognize either of them as binding upon me. If, however, I were called upon to respect either the one or the other, the last one, passed under the most extraordinary circumstances, having been subsequently indorsed by the great body of the American people, in the election of 1852, would be the one that would demand the sanction of my judgment. Both cannot be maintained, as there is a direct conflict between them. If I stand by the solemn decision of the people, I must repudiate the act of 1820.

But, sir, those Senators who discourse so eloquently about the sacredness of "compromises," were the very first men at the last session of Congress to introduce propositions to disturb it. Here were these two Senators, sitting immediately on my right, [Messrs. SUMNER and CHASE,] aided by two others on the other side of the Chamber, [Messrs. HALE and WADE,] who were ready to demand a repeal of the fugitive slave law. What would be the inevitable effect of such a repeal? Is it not manifest to all that it must be the dissolution of this Union? Think you, sir, that the South would remain a portion of this Confederacy, after a distinct declaration upon the part of the North that they did not intend to give to the South any security for their property? Sir, if the time shall ever come when the North uses its power for the purpose of oppressing the South—if the time shall come when the North declares to the South that the citizens of the latter shall not pursue their property and recapture it in the territory of the former—the time for dissolution will have arrived, and ought to arrive.

Mr. DODGE, of Iowa. Yes, sir; ought to arrive.

Mr. WELLER. This shows the respect which those Senators have for compromises—for the sacredness of compacts! Sir, I am a native of a free State, as it is called; I was educated in a free State; I never resided in a slave State; but I have no prejudices against anything that is constitutional. I have been taught, from my infancy, to regard the Constitution of the United States as the palladium of our liberties. I have been taught to believe that that Constitution can be preserved only by securing to every section of the Union the undisturbed enjoyment of its political rights. I have, therefore, no prejudices to overcome; but, at the same time, you will allow me to say, that I am no advocate for slavery. I am not responsible for its introduction into these States; and its continuance must depend upon the voluntary action of the people in the exercise of their sovereign power. They are better judges of what local institutions will conduce to their happiness and prosperity than I am. However much I may deplore its existence, it is beyond my control.

Sir, there are many sickly philanthropists here who tell us a great deal about the Declaration of Independence, and that all men are created "free and equal." If this be an argument with them, why do they not extend political rights to the negroes within the limits of the free States? Why not suffer them to sit on juries? Why not elect them to the State Legislatures? Why not suffer them to go to the ballot-box? If they are equal with themselves, why not extend to them the same political liberties which they themselves exercise? If they are their *equals*, why not admit them to social privileges? Why not invite them to their hospitalities, and make them a part of their domestic circles? Why suffer the *foolish* prejudices of education to prevent their intermarrying?

Sir, while I deprecate the existence of slavery, you will allow me to say that I have not yet seen the demoralizing effects of that institution, to which we are so often referred. Will any Senator tell me the South will not compare with the North? Will you undertake to tell me that your

southern females have less honor, less chastity, less of those high virtues which adorn the female character, than is to be found in the North? They may not usurp the political rights nor the garb of manhood; they may not enter the political arena, and sharpen their intellects amidst the passions and the conflicts of men; but contenting themselves within their appropriate sphere, they teach the law of kindness and affection, and hush up the discords of life.

Will you undertake to tell me, that amongst her men there is less patriotism, less devotion to the national honor, less morality, or less religion than is to be found in the North? There is no man who has the moral courage to answer these questions in the affirmative. Allow me, then, to say, that the demoralizing influence of this institution, which has been so often referred to, has escaped my observation.

At the beginning of this Government, slavery existed in all of the thirteen States. As late as 1790, when the first census was taken, there were 40,272 slaves in the States which are now free. In 1800, there were 35,000 slaves in the States of New York, New Jersey, Pennsylvania, New Hampshire, Connecticut, and Vermont. I do not believe, upon my conscience, that it would ever have been obliterated in that section of the Union, if they had not found that their soil and their productions made it unprofitable.

Mr. President, there are only two modes by which these United States can be held together. They are force and affection. I trust there is no one here who desires that force should be resorted to, in order to maintain this Union. I know that there can be no affection subsisting between the States of the Confederacy unless you secure to each section of it equal rights. This Government is based upon an equality of political rights. Whenever you attempt to discriminate, whenever you say to one portion of the Union, "You shall enjoy certain rights which we will exclude from another portion," you have destroyed the very principle upon which the Government is based. If you desire, therefore, to maintain that degree of affection which is necessary to the permanency of this Government, you must take care to do justice to each, and in doing that you will have laid a broad foundation in the hearts of the people. Extend full and ample protection to all, but exclusive privileges to none.

Mr. President, the admission of California into the Union destroyed the balance of political power here. Anterior to the admission of that State, whence I came, the political power on this floor was equally divided. But now the power has passed into the hands of the free States, and must continue to remain there. In the House of Representatives the free States have now a majority of fifty-four. But suppose that this were otherwise; suppose that California had chosen to come into the Union as a slaveholding State; and suppose that there was a majority of Representatives from the slaveholding States in the other branch of Congress, and then suppose, sir, that some friend of the South should be unjust and ungenerous enough to seek to use that political power, that numerical strength, to oppress us of the North; suppose they should introduce a proposition that slavery should never be excluded from the territory north of 36° 30′; should we, the men of the North, submit to that? Suppose they had the power, and should attempt now to declare that slavery should never be excluded from any territory that might hereafter be organized into State governments, would northern men acquiesce in that? Would not the cry of disunion be rung upon the hill-tops and in the valleys of New England, and would it not be found reëchoing upon the shores of the Pacific? Sir, we could not submit to that. In my judgment you have just as much power to do the one as the other, and it would be equally just and equitable in the one case as in the other. I undertake to say that this Union would not exist a day if the slaveholding States had the ascendency here and should thus abuse their power.

Mr. President, we ought to observe the golden rule, "Whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets." If it would be unfair and unjust, if it would be dishonorable in us to acquiesce in such a provision as that, it would be equally dishonorable, in my judgment, to the southern section of the Union. Any proposition which denies to one portion of the Confederacy an equal participation with another in our common rights, is dishonorable. Establish as a settled policy the doctrine for which we contend, of *non-intervention* by the Federal Government, and it is a matter of little importance whether the North or the South has a majority in Congress. Why is it that one portion of the Union should be denied an equal participation in the settlement of the Territories? Why is it that you cannot leave this question where all other questions are left, to the free and voluntary decision of the people who may emigrate to that region? Has the South ever failed to discharge her duty? In the hour of trial and of danger, have they not stood by you? Sir, I have seen many of these southern men, standing shoulder to shoulder with northern men, upon the field of battle; I have seen them stricken down by the balls of the enemy, lying side by side, their blood intermingling and moistening the earth on which they fell. They raised themselves up as the lamp of life was about to be extinguished, and saw their comrades rushing on and on; they saw their glorious flag, the emblem of our common Union, planted upon the walls of the enemy, and they fell back and expired, with a smile of joy upon their lips—a smile of joy because that flag, around which all the warmest affections of their hearts had been gathered, proudly waved in triumph. And why is it that those men who have aided us in the acquisition of the territory, those men who have contributed their money and their blood, shall be refused an equal participation in the benefits resulting from it?

Mr. President, I know not what may be the feelings of others, but I only desire that that portion of the Union from whence I come should be allowed to participate in the common benefits of this Government. We ask no exclusive privileges, and we are unwilling to discriminate between the different sections of the Union. We are willing to extend to others that justice which we demand for ourselves.

Sir, the Father of his Country, in his Farewell Address, foresaw that the formation of parties in this country, upon geographical grounds—northern and southern, eastern and western—was

calculated in itself to engender a feeling which must ultimately undermine the foundations of this Government; and I hold now that no man who truly loves his country, and who desires to perpetuate the blessings of civil liberty, will give his aid and encouragement to the organization or support of a party whose design is to perpetuate these geographical distinctions. The illustrious man to whom I referred said:

"In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discrimination—northern and southern, Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

I would that these sentiments could sink deep into the hearts of the men who are constantly agitating sectional questions.

It has been said with great solemnity that this is a question between slavery and freedom. Is there a Senator on this floor who proposes to increase the number of slaves in the United States? Is there any man here who desires to put the bonds upon a single individual now free? Is it proposed to increase this evil—and it is a political evil, to say the least of it? Is it proposed, I ask, to increase the number of those who are held in bondage? If it be, then it is a question between slavery and freedom. But, sir, this argument, which has been used by Senators on the other side, is fully answered in the reports which were made in favor of the suspension of the ordinance of 1787, in Indiana and Illinois. I read from a report, made in the House of Representatives in 1806, by Mr. Garnett:

"That having attentively considered the facts stated in the said petitions and memorials, they are of opinion that a qualified suspension, for a limited time, of the sixth article of compact between the original States, and the people and States west of the river Ohio, would be beneficial to the people of the Indiana Territory. The suspension of this article is an object almost universally desired in that Territory. It appears to your committee to be a question entirely different from that between slavery and freedom, inasmuch as it would merely occasion the removal of persons, already slaves, from one part of the country to another. The good effects of this suspension, in the present instance, would be to accelerate the population of that Territory, hitherto retarded by the operation of that article of compact, as slaveholders emigrating into the western country, might then indulge any preference which they might feel for a settlement in Indiana Territory, instead of seeking, as they are now compelled to do, settlements in other States or countries, permitting the introduction of slaves. The condition of the slaves themselves would be much ameliorated by it, as it is evident, from experience, that the more they are separated and diffused, the more care and attention are bestowed on them by their masters, each proprietor having it in his power to increase their comforts and conveniences in proportion to the smallness of their numbers."

A report, basing their action upon similar grounds, was made in 1807 by the committee to whom this subject was referred, who use this language:

"The suspension of the said article would operate an immediate and essential benefit to the Territory, as emigration to it will be inconsiderable for many years, except from those States where slavery is tolerated; and although it is not considered expedient to force the population of the Territory, yet it is desirable to connect its scattered settlements, and, in regard to political rights, to place it on an equal footing with the different States. From the interior situation of the Territory, it is not believed that slaves would ever become so numerous as to endanger the internal peace or future prosperity of the country. The current of emigration flowing to the western country, the Territories ought all to be opened to their introduction. The abstract question of liberty and slavery is not involved in the proposed measure, as slavery now exists to a considerable extent in different parts of the Union; it would not augment the number of slaves, but merely authorize the removal to Indiana of such as are held in bondage in the United States. If slavery is an evil, means ought to be devised to render it least dangerous to the community, and by which the hapless situation of the slaves would be most ameliorated; and to accomplish these objects, no measure would be so effectual as the one proposed."

A proposition that a citizen of Texas shall be allowed to take his slave and go into the Territory of Kansas, is construed by Senators upon the other side as a question between slavery and freedom! The simple proposition is, whether the slaves who are now held in bondage, and who now are in populous communities, and are thus deprived of many of the comforts of life, shall be allowed to be taken into a territory where the sparseness of the population, and the increased facilities for obtaining the necessaries of life, will enable them to live much more comfortably than they do now. But, sir, if this be a question between slavery and freedom, then the friends of this measure hold the freedom side of the question. We propose that the people, the original source of all power, those who spoke this Government into existence, and whose agents we are, shall be allowed to decide for themselves what local institutions shall exist among them. On the other hand, the opponents of the measure advocate slavery. They contend that the American people shall not exercise this right; that their minds shall be enslaved; that their hands shall be tied up, and they prevented from a free decision whether slavery shall exist there or not. We occupy the broad ground of freedom. We have an abiding confidence in the honesty and in the intelligence of the people. We are not afraid to trust them with the decision of this question. How stands it with you? I had supposed that you were the agents and the representatives of the people; but it seems that the servant has become wiser than the master. You who are invested with political power are claiming now that you are better judges of what sort of government the people should have than the people themselves. Is this so? Is there that vast amount of intelligence and of patriotism in the American Congress which makes us far better judges of what the people should have than the people themselves? Our whole system is based upon the principle that man is capable of self-government. The moment you violate this principle, that moment you transcend your authority and destroy the vital element of the Republic.

We propose that this, like all other questions, shall be left to the free decision of the people. The opponents of the measure concede to the people the right, when they form a State constitution, to decide for themselves whether slavery shall exist or not; but, in the mean time, while it is a Territory, they say slavery ought to be excluded. This is like tying a man's hands and legs, and telling him to go where he pleases. If you concede to the people, when they form a State constitution, the right to decide for themselves whether slavery shall exist or not, how can they exercise that right untrammeled, unless you allow them, during the existence of the territorial government,

to go there with that species of property? If you exclude slavery under the territorial government, as a consequence, there will be no slaveholders there when they come to form a constitution and ask for admission into the Union. It would be mockery, therefore, to concede to them the power when they form a constitution, and to deny to them the exercise of this right while they exist as a territorial government.

You will allow me to say, Mr. President, that I do not believe that slavery can ever exist in either of these Territories; and to this extent it may be regarded as an abstract question. A great many of the difficulties which have sprung up in the administration of this Government, have grown out of the fact that we attach too much importance to mere abstractions. Allow me to say, further, that another prolific cause of difficulty in this country is, that we are very much disposed to intermeddle with the affairs of our neighbors. In the social relations of life, how much quarreling and wrangling would be avoided if each one would attend to his own business and let his neighbor's alone. It is just so in political affairs. We have thirty-one States in this Union happily confederated together. They have different local laws and different local institutions. You can only preserve the peace and the harmony of the whole, by taking care that each State manages its own affairs, and abstains from intermeddling with its neighbors. There, after all, in my judgment, is the secret of the permanence of the Union. You may go on and increase the number of States, until you have covered the whole continent of America, and the Government will be stronger then than it is now, if you take care that each one of the States shall abstain from intermeddling with the affairs of its neighbors. Let the Federal Government rigidly adhere to the principle so wisely recognized in 1850 of non-intervention, and let each State treat its neighbor with kindness and affection, and the Union may exist forever.

The two Senators from Ohio, in my judgment, do not represent the views of the great body of the people of that State. I have some right to speak of that State, for it is my native land; and I undertake to say that the great body of both parties there are not only willing to abide by the compromises of the Constitution, so far as slavery is concerned, but they are willing to leave it hereafter to the free decision of the people themselves. I feel some interest in the honor of that State, because there are many there who are bound to me by the closest ties of friendship—a friendship which has not been lessened or diminished by an absence of many years; and although that

> "Divinity that shapes our ends,
> Rough-hew them how we will,"

has united my fortunes with the people of the Pacific, yet I shall never cease to feel a lively interest in the honor and glory of my native State. My last aspiration, as my spirit takes its flight to another world, will be for the peace and prosperity of that, the land of my birth. That she has committed a most egregious blunder in sending two Abolitionists here to represent her in this branch of Congress is undeniable; but,

> "With all thy faults, I love thee still."

One of these Senators from Ohio [Mr. WADE] went so far as to utter this sentiment:

> "Sir, in the days of the Revolution Major André was hung by the neck until he was dead for accepting a proposition not more base than this, which is a gross betrayal of the rights of the whole North."

What an Egyptian darkness must have pervaded the mind of that Senator before he could have arrived at that conclusion! What sad ravages the foul spirit of fanaticism must have made upon his heart before he could have uttered that sentiment! The simple proposition to leave the people of Kansas and Nebraska free and untrammeled to decide on all their local institutions for themselves, is, in his judgment, a more dishonorable proposition than that for which Major André was hung! I pray that God may enlighten the benighted mind of that Senator, and soften his heart, and that ere long he will be restored to a proper degree of judgment and reason—I had almost said of *decency*.

I know that the discussion of this question is producing some agitation in the country. I have no objection to that. I rejoice, at all times, to see the attention of the people directed to the action of their representatives here. I know there are professional agitators; there are men who are constitutionally fond of attending to everybody's business except their own; who are now agitating this question, ultimately, as I believe, for the purpose of dissolving this Union. Show me an active Abolitionist—one who is professionally an agitator—and I will show you a man who, in the social relations of life, is constantly intermeddling with the affairs of his neighbors. It seems to be a part of the constitutional organization of some men, and it is impossible to avoid it. During the last ten years I have directed my particular attention to that point; and whenever I come across an Abolitionist, I have endeavored to find out his social character; and in nine cases out of ten I have discovered that he was an intermeddler in the affairs of others.

Sir, they will not succeed in dissolving this Union. I know that extraordinary efforts are made to influence the public mind. I know that efforts are now being made in the North for the purpose of impressing upon the minds of our children prejudices against the southern section of the Confederacy. I know they have taken possession of the press; they have taken possession of a large portion of the light literature of the day. They have even taken possession of the theater. If you go now into many of the free States of the Union you will find, by day as well as by night, plays enacted which have been gotten up for no other purpose than to excite the prejudices of our youth against the southern portion of the Union and their institutions. Sir, you cannot break down this Government now; it is safe with this generation; but whether it will be safe when the present youthful generation has grown up, with all these prejudices and impressions made upon their minds, I cannot pretend to decide. Sir, we never forget the impressions made upon our minds in the days of our youth. They generally direct and control our actions during life. Even in the extremity of tottering age, when reason fails and memory is impaired, and more recent events are swept from the tablets of the mind, the impressions made in our youth still stand like lonely columns amidst the fallen ruins of prostrate intellect.

Sir, you may not be able to dissolve this Union

at this time; but with all the influences now exerted through the newspaper press, the light literature of the day, and with the influence of the theater more than all, you may be able to prepare the minds of the next generation for a dissolution of the Union; and in some future generation, when this Union is dissevered and torn by intestine factions and civil wars, your children will rise up with the clanking, galling chains of the oppressor upon their limbs, and curse the memory of those by whom it was brought about—ay, sir, with curses loud and deep.

I know, Mr. President, that I owe an apology to the Senate for the warmth which I have manifested in the discussion of this subject to-day. Those who know my constitutional organization and temperament need no excuse. They know that it was utterly impossible for me to speak coolly and deliberately, under the circumstances which now surround me. But a few words more, and I have done.

I am standing here to-day with no previous obligations growing out of the Missouri compromise, and with no identification with that of 1850. I am standing here to-day as an American Senator, called upon to aid in the organization of two territorial governments. As the men of 1820, and the men of 1850 exercised their judgment and their reason, so I intend to exercise mine when I am called upon to act. Let no man say that I am a "northern man with southern principles." I scorn the imputation. I am an American with constitutional principles. I am an American who can see no prosperity, no happiness for any section of the Union except in the maintenance of that sacred instrument. I am an American making no invidious distinctions among the States, entertaining no prejudices against any section, but claiming the Union as my country. If, in sustaining these principles, I am, as the Senator from Ohio [Mr. CHASE] said, "kindling a fire which will consume me," I am ready for the sacrifice. Better, far better, that I should terminate my political existence now, than have to reproach myself in old age for having been instrumental in destroying the liberties of my country.

Mr. President, the old party issues that have divided the country have been measurably obliterated. The great body of the Whigs and Democrats in this country are devoted to the principles incorporated in this bill. However widely we may differ as to the best means of promoting the public good—however much we may wrangle as to the manner in which the Government shall be administered—however madly we may dispute in our contests for power—we have sworn upon the altar of our common country that this Union shall be preserved. This is the sentiment, sir, of the great body of both parties. It is not in the name of either Whig or Democrat that we can hope for happiness or respect. It is in the name of united Americans alone that we can hope to attain or maintain true national greatness. The spirits of your illustrious fathers are looking down and rejoicing at the progress you are making in all that tends to ennoble human nature. I invoke you, then, by the proud character which your country has assumed among the nations of the earth—by the sacred memories of the past and the brilliant hopes of the future—to discountenance every effort which is made to array one section of the Union against the other. I trust in God, also, the time will come when the down-trodden and oppressed of the Old World, following the example so gloriously set by America, will establish political systems based on the principle of the capacity of man for self-government. Then

> "Prone to the dust Oppression shall be hurled,
> Her name, her nature withered from the world."

Mr. President, still another word. I have no claims upon either the North or the South. My days, whether they be few or many, must be spent upon the shores of the Pacific. Whenever I can no longer be useful in the national councils to that section of the Confederacy, I will cheerfully return to the peaceful walks of private life. At my own fireside, in the calm quietude of the domestic circle, surrounded by those who are bound to me by the ties of kindred and affection, I may obtain that happiness which I have not been able to find in public station. If I were now about to take my departure from this world, I would ask to have no prouder epitaph inscribed upon my tomb than this: "Here lies a man who cherished no sectional prejudices, but whose whole life was devoted to the maintenance of the union of the States."

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ADDRESS BY

HON. WILLIAM W. MORROW, JUDGE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT, AT THE FESTKOMMERS, CELEBRATING THE TWENTY-FIFTH ANNIVERSARY OF THE ASCENSION TO THE THRONE OF HIS MAJESTY, THE GERMAN EMPEROR, WILLIAM II, DELIVERED AT THE GERMAN HOUSE, SAN FRANCISCO, CALIFORNIA, SATURDAY EVENING, JUNE FOURTEENTH, NINETEEN HUNDRED AND THIRTEEN.

1888-1913

Festkommers

in ehrender Anerkennung
der 25-jährigen segensreichen
Regierungstätigkeit

S. M. des Deutschen Kaisers

Wilhelm II.

am 14ten Juni 1913
im
Deutschen Hause
zu
San Francisco

The German Civil Code.

Mr. Toast-Master and Gentlemen:

When we think of the President of the United States; the tremendous power of his office in the political affairs of the nation, and the method by which it is assembled and distributed, we naturally compare the office with that of other national rulers, and we find that in civilized nations the difference in power vested in these rulers is not so great as one would at first suppose. The difference in its exercise is more often a difference in the character and temperament of the individual, rather than that of authority. A good and efficient President would probably make a good and efficient King or Emperor, if he had the chance; and a good King or Emperor ought to make a good President. It has accordingly occurred to me that we might, for the better government of the nations of the civilized world, provide for the temporary exchange of rulers, as they now provide for the exchange of professors in the great universities, in the interest of a broader education. Our object in introducing this scheme into governmental affairs would be to secure broader political views. The exchange might at times contribute somewhat to the gaiety of nations; but we would know our rulers better. However, we know both the President of the United States and the Emperor, William II of Germany, and we know them both to be earnest, sincere, patriotic men of the highest type

of character and attainments. And to-night we pay our tribute of respect to them both, while our special subject for the occasion is the German Emperor.

The present Emperor of Germany would be a popular ruler anywhere. His energy and activity appeal to the imagination of those who do things, and to those of us who like to see things done. Had he been a citizen of the United States, either by birth or residence, he would probably have been a captain of industry, or a director of some great enterprise, and had he entered the political arena, he would have been a popular leader. Whether he would have been a mere party leader is perhaps not so clear. In Germany he has no one party supporting his administration; but he is a leader of men, and by force of his will accomplishes his purpose as a ruler by moving men in the direction he is going. Hence he has the support of able men from all parties. His ability as a leader in this respect amounts to genius. He has made his monarchy popular by bringing it close to the people and making it work out the highest expression of the popular will. This has been the result of no small effort, and the fact that he has been successful is evidence of the versatility of his mind and the force of his character. He insists that his right to rule is a divine right; but his rule is human and for human needs. When he came to the throne twenty-five years ago the popular impression was that he would be an aggressive ruler, with the Hohenzollern spirit for war. He was described as the War Lord of Europe. What has been his course, and

what has he accomplished? He has been aggressive and persistent in protecting the financial and commercial interests of the German people, and in the development of their agricultural and mechanical industries; but he has not waged war in behalf of either. He has been alert in looking into the future for the purpose of seeing where German interests might be promoted, and material advantages have undoubtedly come to the German people by reason of his foresight. But in exercising this foresight in the interests of his own people, he has not disregarded the rights of the people of other nations. He has been forceful but not overbearing. His character is now pretty well understood. He will not commence a war for the mere purpose of achieving military glory, but if war comes he will be prepared for it. This seems to be a practical and reasonable view of the situation in which he is placed. He is a statesman and withal a practical sovereign, seeking the peace and welfare of his people; and now, after twenty-five years of prosperous rule, he is receiving the deserved congratulations of the people all over the world for the splendid record he has made in the cause of peace. This is a record to be proud of, particularly in view of the many temptations that have been presented for a different course of conduct.

But this does not tell the whole story; for while maintaining peace with other nations, the German people have had other problems to solve, many of them difficult and some of them serious. And with

the sympathetic aid and co-operation of the Imperial Government, a constant and steady progress has been made in the solution of some, if not all, of these problems. One of these problems has been the unification of the German people under one general law regulating their private rights and duties. The difficulties in the way of such unification seemed at one time to be insuperable and impossible of realization. But the situation was grasped by strong, patient, able and earnest men, selected by the Government, and we all know the result. Germany to-day is a powerful, unified nation, under practically one law. This has not all been accomplished during the reign of the present Emperor, but the final and most important part has been the work of his administration. And now, in answer to all the criticism that has been directed against the Kaiser and his administration of the German Empire, I offer in evidence the German Civil Code, which, by the approval of the Emperor, became the law for all the people of Germany on January 1st, 1900. I could offer other evidence of a similar character, but we may without fear rest the Kaiser's case before the world upon the merits of the German Civil Code alone.

There is more substantial and lasting glory in the enactment of one wise law for a civilized people than in winning numberless great battles. Napoleon at St. Helena, after reviewing all his past greatness achieved by war, declared that he would not be remembered for victories gained in forty battles, but

that he would go down to posterity with his Code in his hand (referring to the Code Napoleon). He was right. Good laws, wisely framed and justly administered, are always beneficent. Military achievement can make no such claim.

And so we say for the German Emperor that the preparation and adoption of the Civil Code by his direction and approval has brought to the German nation greater and more lasting glory than could have been achieved by a victorious army, and has required as much, if not more, genius to deal successfully with the adverse conditions of a complicated situation.

Prior to the formation of the present German Empire in 1871, the various judicial systems in the local jurisdictions forming the Empire were more numerous than all the kingdoms and principalities brought together under the one general government. That is to say: in several jurisdictions there was more than one law upon the same subject, and these laws contradictory. In Prussia, for example, there was more than one judicial system, and there was also more than one judicial system in Bavaria. Indeed, it was said that in one house in Bavaria, had three persons died in different rooms the estate of each would have been administered under a different judicial system. It was a condition very much like that in France at one time when Voltaire said that a traveler changed his system of law as often as he changed his horses.

This tangled and complicated condition of the laws was absolutely inconsistent with an efficient or even

a tolerable administration of the affairs of one people, as one nation. A great effort was accordingly made by the Imperial Government to remedy the situation by preparing a code of private law for the entire German nation. Successive committees were appointed to prepare such a code, but it met with vigorous opposition; and it was not until the present Emperor came to the throne that opposition was overcome and the work had sufficiently progressed to be submitted to the legislative branch of the German Government. This was done in October, 1895, and, after a careful revision in some minor details, it was finally adopted by the Reichstag on July 1st, 1896; by the Bundesrat on July 4th, 1896, and approved by the Emperor on August 18th, 1896. It went into effect on the first day of January, 1900, and is now the general law regulating the private rights and duties of all the people of the German nation, taking the place of all the heterogeneous, inconsistent and contradictory laws, regulations and customs prevailing throughout the Empire before that time.

An inspection of this work shows it to be a clear and simple exposition of the law embraced within the scope of the work. The late Professor Maitland, the distinguished English jurist, speaking of this code, has said: "It is the most carefully considered statement of a nation's law that the world has ever seen." It is certainly a model of progressive legislation, based upon scientific principles. There is no discrimination and there is no distinction because of

class or condition. It is, for the present, the law for sixty-five millions of people; but, like invention and discovery, it becomes the common property of the whole world. It is a splendid achievement and will last as long as civilized government lasts.

We might refer to the Commercial Code prepared and adopted at the same time, and to other statutes passed for the benefit of the aged, the destitute and the dependent, and to laws passed for the preservation of the public health. But we need go no further. The case is made; and I submit that the Kaiser, and his reign of twenty-five years, stands before the world to-day as fully vindicated, and as highly deserving of our praise and song, and the praise and song of all who love peace and who are concerned for the welfare of nations.

Gentlemen, I propose the sentiment: The good health and long life of the German Emperor, William II.

RESPONSE OF HONORABLE WILLIAM W. MORROW, UNITED STATES CIRCUIT JUDGE, TO THE SENTIMENT, "LAW IN RELATION TO DIPLOMACY" PROPOSED BY MR. WALTER RISLEY HEARN, BRITISH CONSUL GENERAL, PRESIDING AT THE BANQUET GIVEN IN HONOR OF THE RIGHT HONORABLE JAMES BRYCE, BRITISH AMBASSADOR TO THE UNITED STATES AT THE FAIRMONT HOTEL, SAN FRANCISCO, CALIF., ON THE EVENING OF MARCH 27TH, 1909.

MR. CHAIRMAN:

It is a great pleasure to me to have the opportunity of participating in this tribute of respect to our distinguished guest. We extend to him a cordial welcome, not merely because he represents the Sovereign of a great nation, but because of his own personality; his large experience in public affairs; his intimate acquaintance with our American form of government; his good judgment on political questions; and, above all, his generous valuation of our opportunities and corresponding potential worth. We know he is interested in the problems we are trying to solve here in California, and that he appreciates the difficulties we have to encounter. He belongs to that class of few men described by Professor Hudson, the Shakespearian scholar, as men who by nature take a deep sympathetic interest in conditions wholly outside of themselves, and with such sympathy exercise a capable and candid judgment, and willing, I am sure in our case, to overlook our many shortcomings.

The subject to which I have been asked to respond is: "Law in Relation to Diplomacy." This is a large subject, and has a wide range for discussion. It is far too wide for this occasion unless I should treat it as it has been treated by some very learned authors who declare that law has no relation whatever to diplomacy; or, what is the same thing, the international affairs of nations are not regulated by law. Law, they say, "is the command of a political superior addressed to a political inferior in the state," or, as defined by Blackstone, it is a "rule of civil conduct, prescribed by the supreme power in the state, commanding what is right and prohibiting what is wrong."

Now, as there is no supreme power in the family of nations—all nations being equal—it is said there can be no rule of conduct as between nations that can properly be termed law: First, because there is no superior legislative body to enact such a law. Second, there is no supreme court of nations or international tribunal in which disputes of an international character can be

determined. Third, there is no sheriff to execute the decree of the court, supposing one to have been delivered.

But, notwithstanding these objections, we know that there are rules of conduct for nations as well as individuals, and, somehow, these rules of conduct are observed, and their commands enforced. How does this come about? Well, we are told that what we call international law or law of nations is international morality or ethics, or international courtesy or convention, or international comity, as distinguished from a rule of law. Austin, one of England's greatest law writers, was of the opinion that the proper name for such a rule of conduct among nations was "positive international morality." He contended that even if such a rule of conduct should become universal and enforced by all nations alike, it would still not be law, because it would not be a command given and enforced by a superior power. Under these definitions it would simply be a rule adopted as part of a moral system of the state in its relation to other states, just as an individual on the first day of January may resolve to "turn over a new leaf" and agree with a friend to observe some rule of conduct as a part of his moral responsibility to the community in which he lives. But this resolution or agreement, however positive, does not, so they say, make it a law for the individual, nor any more does the admitted moral duty of a nation make that duty a law governing nations.

But as we would say judicially, the weight of authority is opposed to this view, or rather, I should say, there is a practical view that must not be overlooked. We understand that rules of conduct grow up among nations as among individuals by force of custom and become law, as custom grew into the common law of England and this country, and that these customary rules of conduct may be expanded and added to by diplomatic action and by treaty and convention between nations, and we know that in Great Britain and in this country these rules of conduct applicable to international affairs are recognized, accepted, and enforced by these nations as law, and since the time of Bentham in 1789 they constitute a system which he

called international law, a law which "must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination."

Now, what relation has this law to diplomacy? Manifestly a relation of the greatest importance. The peace and welfare of nations depend upon it, just as the peace and welfare of a community depend upon the law governing the community. The commercial and financial affairs of the world are becoming more and more intimate and more and more interdependent. Let me illustrate my meaning by referring to a very interesting case in this state. In the year 1888 a young man by the name of McDonnell was arrested in San Francisco for having in his possession a counterfeit plate or die from which could be printed counterfeit five-pound Bank of England notes. No such notes were, however, found in McDonnell's possession, and there was no evidence that any counterfeit notes had ever been printed from the plate, and none were found in circulation in this city. McDonnell was indicted, tried and convicted under the Penal Code of this state, which provides, among other things, for the punishment of a person "having in his possession any die or plate made use of in counterfeiting bank notes or bills." It was contended on behalf of the defendant that this statute was only intended to protect our own banks from the counterfeiting of their notes or bills, and not the paper of foreign banks. This defense was not without support. The case was appealed to the Supreme Court of the state, then as now presided over by that eminent jurist, Chief Justice Beatty, who is present here this evening. In the Supreme Court it was further contended that the offense committed by McDonnell, if any, was against international law, and that under the Constitution of the United States, the Federal Government alone punished offenses against that law, citing the case of United States v. Arjona, 120 U. S. 479. But the Supreme Court of the state held that McDonnell's offense came also within the purview of the police power of the state under the provisions of the Penal Code. The Court said: "To say to the contrary

would be to declare without proper foundation that the legislative assembly of our state had deliberately made California an asylum for those evil-disposed persons *who might desire to injure the currency of foreign nations,* or to defraud our own citizens by passing off, upon, or selling to them counterfeit bills of such nations." This case is reported in 80 Cal. 285. Here was a law enforced by the state held to be broad enough to cover an offense primarily against a foreign state, notwithstanding its international character. I think this case illustrates very forcibly our relations with other nations in the enforcement of international law under the police power of the state.

These relations involve what are called private rights as well as public rights, and are based upon the principles of international law that have been developed and established by a wise and far-seeing diplomacy. This is further illustrated by the character and number of international congresses, conferences and conventions that have been held in the last fifty years. Between 1865 and 1895—a period of thirty years—there were ten most important monetary and diplomatic international conferences which resulted, as you know, in the present gold standard—an essential element in the universal solvency of credit. Diplomacy also has brought about a number of international postal conferences, and, as a result, the present universal postal union—a marvel of simplicity and economy in the social and business affairs of the world. The international conferences relating to telegraphic correspondence have also resulted in a permanent international bureau at Berne in Switzerland; and in respect to the most recent and remarkable of all inventions—wireless telegraphy—there have been two conferences, one in 1903 and one in 1906. At the last conference an international bureau was established and provision made that disputes should be submitted to arbitration.

Then there are the international peace conferences at the Hague—the first in 1899, and the second in 1907. These related to the affairs of nations. At the last of these conferences an international prize court was established to protect the rights of neutrals in the time of war, and a foundation laid for a great

court of international arbitration to be realized, it is believed, at the third international conference to be held at the Hague in 1915.

From other conferences at Geneva and the Hague has come the International Red Cross for the relief of the sick and wounded in the time of war and to mitigate the sufferings caused by pestilence, famine, fire and flood in the time of peace.

Then there are the commercial relations arising between the nations respecting navigation and customs duties, the latter of which appear on our statute books as discriminating and countervailing duties, levied upon imports, and which have for their ultimate purpose the establishment of reciprocal relations among the commercial nations with respect to exports and imports.

But this reference to congresses, conventions, and conferences and their results need not be extended, altho there have been many hundreds in the last fifty years. Those referred to indicate the efficient work of diplomacy during that period, and more particularly during the last twenty-five years. They have enormously promoted the extension of international law to both public and private affairs, and they have all moved in the direction of a unity of nations and the peace of the world. We accordingly place to the credit of diplomacy and sound statesmanship these splendid achievements for international law in opening up the highways and byways of the world to navigation, commerce, travel, education, labor, and civilization, and we realize more than ever that "peace hath her victories no less renowned than war."

"*I have not begun to fight yet.*"—John Paul Jones

THE AMERICAN NAVY

SPEECH

OF

GEO. C. PERKINS

OF CALIFORNIA

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 21, 1908

ON THE GROWTH OF THE NAVAL POWER OF THE UNITED STATES AND THE GLORIOUS RECORD OF THE MEN WHO HAVE FOUGHT UNDER THE AMERICAN FLAG

GOVERNMENT PRINTING OFFICE
WASHINGTON
1908

The United States Navy.

SPEECH

OF

HON. GEORGE C. PERKINS,

OF CALIFORNIA,

IN THE SENATE OF THE UNITED STATES,

Friday, February 21, 1908.

The Senate having under consideration the following resolution, submitted by Mr. PERKINS February 21, 1908:

"*Resolved*, That it should be the policy of this Government, while not adopting a continuous programme fixing the number of naval vessels of any type to be built in future years, to maintain the present relative position in comparison with the navies of the other great powers"—

Mr. PERKINS said:

Mr. PRESIDENT: The departure of a United States battle-ship fleet to the Pacific has called attention to our Navy as perhaps no other possible event could have done. Sixteen armored vessels, ranging from 11,525 to 16,000 tons, make a formidable sea force, which would command respect from any nation in time of trouble. But there is, happily, no chance of international difficulties which would call for the dispatch of such a fighting force to any part of the world. The simple fact is that, as our Navy has become large enough for the purpose, it has been possible to form a homogeneous fleet of fighting ships and give it, by a long voyage, a chance to solve important tactical problems and afford practice which is invaluable to the proper management of a large sea force. It is also important to establish the fact that our fleets are free from any local tie or dependence, and that perfect mobility is possible. So it is determined to have a regular interchange of vessels between the Atlantic and Pacific, with occasional concentration

into large fleets under one general command. But besides the great benefit to be derived from the experiences of the long voyage by both officers and men is the lasting effect it will have in promoting good relations between this country and the South American States which have been visited by the fleet. The cordiality between the United States and the South American Republics has been demonstrated by the character of the receptions given to our sailors, and the bonds of friendship have thereby been strengthened. This was one of the objects of the long voyage, and alone would justify the movement.

A BIG FLEET IN THE PACIFIC.

The fleet which is now making its way up the west coast of South America consists of sixteen battle ships aggregating 223,066 tons displacement, carrying sixteen 13-inch breech-loading rifled guns, forty-eight 12-inch, and eighty 8-inch, besides secondary batteries of 5 and 6 inch rapid-fire guns. The ships are manned by about 14,000 men. The six torpedo-boat destroyers, which have preceded the fleet, add to its effective force very materially. When Rear-Admiral Evans's squadron reaches San Francisco it will be in touch with other vessels of the United States and, joining with them, will form a strong fleet. There are already on the Pacific coast two battle ships, the *Nebraska* and *Wisconsin*, one in commission and the other ready for commission in April, aggregating 26,500 tons. There are also eight armored cruisers in commission, aggregating 111,080 tons; nine protected cruisers, aggregating 49,726 tons—five now in commission, one to be ready in March, and three in July. There are also three torpedo boats, five destroyers, and two submarines. On the Asiatic station we have four more protected cruisers, aggregating 12,800 tons, and five torpedo-boat destroyers. Harbor-defense vessels and unprotected cruisers are disregarded in this enumeration of sea strength, which really means fighting strength on the high seas.

The Pacific Fleet, when completed by the arrival of the vessels now on the way, will consist of eighteen battle ships, eight armored cruisers, thirteen protected cruisers, thirteen torpedo-boat destroyers, five torpedo boats, and two submarines. The battle ships and cruisers alone aggregate 423,172 tons, which shows that ours will be by far the most powerful fleet in the Pacific, as the effective forces of Japan, the only other naval

power bordering on that ocean, including coast-defense vessels, unprotected cruisers, torpedo boats, destroyers, and submarines, aggregate 374,701 tons, according to latest figures. The vessels of the Pacific Fleet, when the battle ships arrive in that ocean, will carry twenty 13-inch rifles, fifty-two 12-inch, and one hundred and twenty-four 8-inch guns, besides several hundred 5 and 6 inch rapid-fire guns. Thus the Pacific Fleet will be imposing in the dignity of its great strength.

NATIONAL PRIDE IN OUR NAVY.

The Navy of the United States is one branch of the public service in which the people have a just pride. They also have a direct interest in it, for there is no section of the United States that has not a representative on the decks of our ships of war. Each Senator and each Congressman has the privilege of two appointments to the Naval Academy, each vacancy, upon the graduation of a cadet, to be filled by other appointments, so that there are constantly at Annapolis two cadets appointed through each Member of the two Houses of Congress. Thus every section of the country is reached, and every class of our citizens is represented in the Navy. Cadets do not come from the maritime States alone; the greater number come from the farms and manufacturing towns of the interior. Farmers' boys have been among the most brilliant of our naval men. The sons of mechanics have made records of which we are all proud. So the entire country is knit together in its common interest in our Navy, which represents the people of all sections and of all classes. In addition, the President has twenty appointments per year to Annapolis, and selects the sons of naval officers, thus giving to the service the advantages of the naval spirit which is characteristic of the families of those whose lives have been devoted to the Navy and its work.

The Navy is nonsectarian in the strictest sense, and politics is virtually unknown in the service; and so single-minded in this respect are men of all grades that the highest officers believe that by law no one under the naval flag should even be permitted to vote. In their opinion the sole duty of officers and men is to defend on the sea the honor of our country—not to engage on shore in ballot battles between political parties and rival candidates for civil offices.

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A GLORIOUS RECORD.

From the time when a few fighting ships were sent out during the Revolution against the great navy of England to the present time there has been an unbroken record of bravery, self-sacrifice, and patriotism which has made the naval establishment a model of efficiency. The Continental navy was, from the nature of the circumstances, an experiment, and though it was not a formidable factor in the war, it covered itself with glory and caused the American flag on the high seas to be respected. The American-built frigate *Alliance* came out of the war with a brilliant reputation; but nearly all the other Continental vessels were destroyed or captured. John Paul Jones won his most famous victory in a French-built ship, *The Bon Homme Richard.* The 30 Continental cruisers of 1776 had shrunk to 9 in 1781, carrying all together only 164 guns. But of privateers—the irregular navy of the Colonies—there were 449, carrying 6,735 guns, and these scourges of the sea did much to bring England to terms. In them were educated the masters and men who played so great a part in the naval wars which were to follow.

Soon after the adoption of the Constitution and the establishment of the Federal Government the question of a navy was brought prominently forward by reason of the attacks of the Barbary coast pirates on American shipping. Congress had pleaded that to authorize a fleet capable of protecting our commerce would be to create a menace to our Republican institutions, and recommended that, instead, the pirates be bought off, and an attempt to do this was actually made in the treaty with the Dey of Algiers, by which the United States bound itself to pay him $1,000,000 in money, besides presents, which latter took the form of the magnificent frigate *Crescent*, built at Portsmouth, N. H. But this exhibition of faint-heartedness on the part of Congress was condemned by Washington, who then laid down the sound maxim that "to secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult and aggression." A navy was determined on, and the first fighting ship of the United States was the *Ganges*, an old-fashioned, deep-waisted merchantman, purchased and refitted as a man-of-war, with twenty-four guns. Under the spur of Washington, Congress authorized the construction of six frigates, one of which, the *Constellation*, became later famed for her capture of the French frigate *Insurgent*, while the *Constitution* captured the *Guerriere*.

And in the war which unexpectedly sprang up with France American ships of war performed most notable feats of arms, which placed the Navy of the United States in the van of the navies of the world.

THE WAR OF 1812.

But with the occasion for use lacking, our naval vessels fast diminished in number, and, as on previous occasions, it required the stimulus of impending attack to awaken the nation to the necessity for a navy, the war of 1812 found us with not a single two-deck man-of-war afloat and only six serviceable frigates. Jefferson and his party had opposed line-of-battle ships, so that when war was declared we had only 17 national vessels, not one of first class in power or size, mounting 442 guns, and carrying 5,000 men, to oppose a thousand ships, 27,000 guns, and 150,000 seamen of England. But our Navy, inadequate as it was, covered itself with glory, and England found herself no match, ship for ship, for the United States cruisers. In 12 single-ship actions we won 10. No brighter pages of naval history exist than those which chronicle the victories of the *Constitution* over the *Guerriere*, the *Java*, the *Cayane*, and the *Levant;* of the *United States* over the *Macedonian;* of the *Hornet* over the *Peacock;* of the *Wasp* over the *Frolic* and *Reindeer;* of the great victories on Lakes Erie and Champlain, and the heroic defense of the *Essex* by David Porter, with Farragut as midshipman, against the combined attack of the *Phoebe* and the *Cherub*. But notwithstanding all this valor, all this burning patriotism which made a United States vessel superior as a fighter to any other fighting vessel then afloat, nearly all of our frigates and sloops were finally blockaded by overwhelming squadrons simply because we had no line of-battle ships. For lack of heavy ships of the line the achievements of our sailors went for naught. The last frigate to run the gauntlet of the blockade was the *President*, and she was defeated and captured by a hostile fleet before she cleared the land.

But the loss of the national fleet did not end the warfare by sea, for the American privateer was abroad and made such havoc with the commerce of Great Britain that her merchants cried for quarter. They were fighters which did not single out defenseless merchant ships. They constantly sought British privateers, armed like themselves, and vanquished them. They did not hesitate to attack ships of the Royal navy. The cruiser *St. Lawrence* was captured by the famous American brig *Chasseur*, and there are numerous other instances where American merchant vessels defeated and captured ships flying the colors of the King

But with peace the United States Navy was again neglected, and it required the crisis of the civil war to bring about a full realization of its importance. When war began the United States Navy consisted of only 30 steam ships of war, with about twice as many obsolete sailing vessels, with 1,450 officers and 7,600 seamen. Before the war ended this force was expanded to 600 steamers, with 9,000 officers and 51,000 men. Although the Government began to build new war vessels on the commencement of hostilities, the exigencies of the situation demanded a fleet for immediate operation, and the best that could be done was to purchase merchant steamers and transform them into ships of war. It was these remodeled vessels that comprised the bulk of our blockading squadron, manned by captains and seamen from the merchant marine, which educated and had available the finest body of sailors on the globe. Without these men, trained on American vessels in time of peace, the North could not have created and maintained the effective fleets that swarmed along the southern coasts. During the war there were few opportunities for battles between ships of the contestants. The most notable was that between the *Monitor* and the *Merrimac*, which changed at once and finally the character of war-ship construction. Another encounter which will never be forgotten was that between the *Kearsarge* and the *Alabama*, and it is of interest at this time to note that the notorious commerce destroyer of the Confederacy was built in England through the efforts of Capt. James D. Bulloch, Confederate naval agent, who was the uncle of one of the most distinguished men our country has produced. The trouble which began to brew between the United States and England on account of the devastation caused by this English-manned and English-built Confederate privateer, caused the United States to prepare for conflict by building commerce destroyers for use against British commerce. The *Wampanoag* was one of the ships so built, and as it and others built on the same model outclassed any and all vessels under the English flag in speed and endurance, they exercised no little influence in inducing the British Government to submit the *Alabama* matter to arbitration. There was then no vessel in the British navy that could steam 14 knots; the *Wampanoag* and her sisters made an average of 17 knots, which could easily be maintained across the Atlantic.

PITIABLE REDUCTION OF SEA POWER.

At the close of the civil war the United States Navy was undoubtedly the most powerful in the world, for it had a large fleet of vessels, which were manned by 50,000 of the best seamen on salt water, all of whom were well disciplined and seasoned by long service, and ready to fight anything that sailed the seas. But this fleet, when reduced after the war to a peace footing, consisted mainly of wooden ships, and only wooden ships, with two exceptions, were found therein for nearly twenty years. But among these structures of oak there were some whose names will never be forgotten—notably the *Hartford*, which bore Farragut into Mobile Bay All of the vessels of the Navy at that time used sail power, to which steam was simply auxiliary. And the armament was, to us as we look back, as primitive as were the means of propulsion. For instance, the glorious *Hartford* was only 225 feet long (the same length as the *Mayflower*, the President's dispatch boat), 44 feet beam, drawing $18\frac{3}{16}$ feet of water, with a displacement of 2,900 tons. Her coal capacity was 241 tons, horsepower 940, and speed 10 knots an hour. Her armament was one 8-inch, muzzle-loading rifle (converted from smoothbore) and twelve 9-inch smoothbores. The latest vessel constructed of this type was the *Trenton*, 3,900 tons and 2,813 horsepower, capable of making $12\frac{8}{10}$ knots, with a coal capacity of 350 tons. Her battery consisted of ten 8-inch muzzle-loading rifles converted from smoothbores.

When the United States Navy became reduced to twenty-three such vessels as above—exclusive of a few single-turreted monitors—the question began to be asked, "Of what good is it?" The Old World nations, alive to the ideas inspired by the *Monitor* of Ericsson, were building new navies on plans which rendered our own as useless as paper boats. In case of trouble with any European power we should, we began to realize, be helpless. And as for asserting with any vigor the Monroe Doctrine, that would be out of the question. Naval officers began to feel humiliated at the condition of the service, for the time had arrived when there could be found no excuse. Our Navy had, in fact, become practically the standard of inefficiency—not because of its personnel, but by the reason of the obsolete type of its vessels and armament and the scanty number of armed ships carrying the American flag. Little Chile, with two or

three modern fighting machines, could easily have become an actual menace to our country, for we had nothing with which to oppose them.

THE MAN BEHIND THE GUN.

But though the old Navy was inefficient as far as its vessels and their armament were concerned, its officers and its seamen maintained the best traditions of the service and were ready to fight the world with their smoothbores against modern rifles. That was the spirit exhibited by the last remnant of the old Navy before its glorious extinction in the harbor of Apia. The wooden *Trenton* and *Vandalia* and the little *Nipsic* were ready and anxious to come to close quarters with the modern German warships *Adler*, *Eber*, and *Olga*, and a battle royal would probably have been fought between these representatives of the new and the old navies of the world had it not been for the hurricane that brought destruction to them all. And as the *Trenton* strained at her anchors while drifting slowly but surely on the fatal reef there was an exhibition of coolness and bravery of the kind that has always characterized our Navy. Another modern war ship, the British *Calliope*, of then tremendous horsepower, fought her way out of the crowded harbor in the face of the hurricane at the rate of a knot and a half an hour. As she passed the *Trenton*, whose crew knew that they would soon be cast upon the reef, every man, headed by the gallant Admiral Kimberly, rushed to some point of vantage—rail, shrouds, yardarms, or whatnot—and sent up cheer upon cheer for the courageous Englishman who had dared to run his ship into the teeth of the hurricane and who succeeded in beating the elements because he was the stronger. And with such men on board the last vessels of the old Navy of the United States went to their doom, and their bones, with those of scores of the brave sailors who trod their decks, now lie amid the coral reefs of beautiful Samoa.

I remember, being president of the Chamber of Commerce of San Francisco, when Admiral Kimberly and the surviving men from that fleet reached San Francisco. The people of that great metropolis of the Pacific coast turned out en masse to give them a reception and applaud them for their gallant deeds and valor on that great and eventful occasion.

SPIRIT OF THE AMERICAN NAVY.

At every period in the history of the United States Navy there has been some notable example of the spirit of the men who sailed and manned the vessels. When John Paul Jones, on the deck of the sinking *Bon Homme Richard*, was asked if he had surrendered his answer was "I have not begun to fight yet."

In the Straits of Gibraltar, Commodore Preble, in the famed *Constitution*, hailed one dark night a ship that gave an evasive answer and then tried to get the weather gage.

"I hail you for the last time," said the commodore, "if you don't answer I'll fire. What ship is that?"

"His Britannic Majesty's 84-gun ship-of-the-line *Donegal*. Send a boat aboard."

"This is the United States 44-gun ship *Constitution*, Capt. Edward Preble," returned the commodore, "and I'll be d—d if I send a boat on board any ship. Blow your matches boys."

Preble had no need to fire, for the stranger stood off.

Lawrence in the *Chesapeake*, manned by a green crew, and shattered by the shots of the *Shannon*, gave as his last order before carried below, "Don't give up the ship. Never strike the colors. They shall wave while I live."

Farragut, on the *Hartford*, going into Mobile Bay, seeing the *Brooklyn* falter and learning that she feared torpedoes, trumpeted: "Damn the torpedoes. Four bells. Captain Drayton, go ahead; Jouett, full speed"

And the new Navy, in its first action with an enemy, showed that the spirit of 1776, of 1812, and of 1861–1864 was still alive and ready to make itself manifest at any moment. Dewey, in Manila Bay, after his famous order: "You may fire when you are ready, Gridley," was to show anew the spirit of Commodore Perry when he fell in with the insolent Englishman. In this case the insolent offender was a German, who, forgetful of the character of American naval men, had manifested too great a sympathy for our enemies and had taken not only pains to aid them, but had endeavored to thwart us. With diplomatic patience Dewey endured it all until the proper time arrived, and then sent his flag lieutenant to Rear-Admiral Von Diedrich, to call to his attention his extraordinary disregard of the usual courtesies of naval intercourse and to notify him that "If he wants to fight, he can have it right now." And the German rear-admiral knew

that he would have a fight on his hands that would cost him dear and further annoyance ceased.

Thus was the new Navy shown to be the worthy descendant of the old, maintaining the same traditions of gallantry, bravery, and force, and ready to uphold the national honor at all times and in all places. Such is the spirit abroad to-day in the fleet, and so we are assured that no fighting vessels in the world are in better hands.

IN A DEFENSELESS CONDITION.

Ericsson's little *Monitor* of the civil war indicated a change in the character of fighting vessels which was to be revolutionary and which was to cause all the maritime nations to cast aside the old wooden ships and to build of iron and steel on entirely different models. After the battle with the *Merrimac* in Hampton Roads, the London Times stated that whereas Great Britain previous to the encounter, had available for immediate service 149 first-class war vessels, it had only two "that it would not be madness to trust to an engagement with that little *Monitor*." England at once began the construction of a new navy on the lines of the new fighting machine, but the United States, wearied by the long conflict it had just gone through, was naturally indisposed to rush immediately into further huge expenditures for the creation of a new fleet of battle ships, particularly as such construction would be in a great measure experimental. In consequence the ships of the old Navy were retained in service, and iron construction was attempted in only three vessels of little over 1,000 tons displacement, while old cast-iron, smoothbore cannon were converted into rifled muzzle-loaders. The few other small vessels that were built were of wood, with auxiliary steam power, of low speed, and a coal capacity ranging from 150 to 350 tons. It may be fairly claimed that such vessels were simply makeshifts, pending the determination of fundamental principles which should govern in the construction of modern ships of war. But as naval architecture and armament were advancing with rapid strides abroad, the time soon came when we saw ourselves so far deficient in means of naval defense that the country was awakened to the danger of the continuance of such conditions, and a new and modern Navy was seen to be an absolute necessity, and the Administration and Congress went to work with a will to provide adequate means of protection against the sea power of other nations. In 1879, just before this work was begun, the

United States had only five steam vessels classed as first-rates, but which were obsolete and useless as men-of-war; only nine second-rates in condition for sea duty; only fifteen third-rates available for naval duty; six fourth-rates, none of any value whatever for war purposes; only five sailing vessels that could navigate the sea, and fourteen ironclads that might serve in some slight degree for coast and harbor defense. In the entire Navy there was not a single high-power, long-range rifled gun.

BEGINNING OF THE NEW NAVY.

It was high time, therefore, for radical action to be taken when President Arthur, in his first annual message, stated that "every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of the Navy." Secretary of the Navy Hunt reenforced this advice of the President and called attention to the fact that our right of way across the Isthmus of Panama, becoming more and more important with the rapid growth of the Pacific coast, should be maintained against any and all foreign powers. An advisory board had been appointed which gave the subject of naval increase its attention and had recommended that thirty-eight unarmored cruisers should be built—eighteen of wood and twenty of steel—besides five steel rams and twenty torpedo boats. The designation of the material for construction was evidently a compromise, for there was great divergence of opinion, even among the naval experts on the board, as to the advisability of steel. Strange as it may now seem, the minority advocated iron instead of steel, for the reason that steel is only a high quality of iron, made at greatly increased cost, which cost to the Government would be excessive for the reason that there would have to be established plants for its manufacture and workmen would have to be educated to their use. Moreover, there was no assurance that contracts would not fall into the hands of middlemen who would import the necessary steel and charge exorbitant prices based on the cost of establishing here manufactories capable of turning out like products. But the majority held a different view and advocated the use of steel because the demand by the Government would give such an impetus to steel manufacture that we should soon have established plants capable of producing all the steel necessary for our entire domestic consumption, and for the further reason that "a bold and decided step should be taken to win back our former

prestige as the best shipbuilders of the world." That the majority was right is evident from the fact that the United States is now the greatest producer of steel in the world, sending its products to every country under the sun. And the building of the new Navy has had a very potent influence in bringing about the development of the greatest industry on the globe. The question as to steel in naval construction was raised for a year or two, and in 1882 the chairman of the House Committee on Naval Affairs presented a report in which steel was recommended as the only proper material for the construction of vessels of war. The committee was not ready to go so far as the advisory board recommended, and proposed that six cruisers and one ram be built. Congress, however, did not feel disposed to adopt this limited programme, and by the act of August 5, 1882, it authorized the construction of two steel cruisers of full sail and steam power, one between 5,000 and 6,000 tons and one between 4,000 and 4,300 tons.

Mr. SCOTT. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. SCOTT. What is the displacement of our largest battle ship to-day?

Mr. PERKINS. The new ships we are building will have a displacement of 20,000 tons.

Mr. SCOTT. Four times the size.

Mr. PERKINS. Nearly five times. It shows what the evolution of the Navy has been; the same as it has been with the merchant marine. We are a progressive people. The best index of what we have accomplished is the development of our steel manufactures and the building of these ships.

THE WHITE SQUADRON.

This was the act which may be said to have brought the new Navy into existence, although no appropriation was made for carrying the act into effect. A second advisory board, created by this act, advised that the larger vessel be not built, on the ground that so large a ship was not then necessary. The board suggested five vessels, one of 4,000 tons, three of 2,500 tons, to be built of steel, and one iron dispatch boat of about 1,500 tons. At the second session of the Forty-seventh Congress an act was passed and approved March 3, 1883, authorizing the construction of the vessels recommended by the board, with the exception of one of the smaller steel cruisers. Bids were invited from

all American shipbuilders, and the ships built under the act were the *Chicago, Boston, Atlanta,* and *Dolphin.*

These, the first vessels of the new Navy, were, respectively, of 5,000 tons, 3,035 tons, 3,000 tons, and 1,486 tons displacement. The three first were protected cruisers, the last a dispatch boat. The *Chicago* was of 18-knot speed, the other two cruisers of 15.60 knots, and the *Dolphin* of 15.50 knots. The cost of hull and machinery was, respectively, $889,000, $619,000, $617,000, and $315,000. The *Chicago* had an indicated horsepower of 5,000 and bunker capacity of 950 tons of coal. Her battery consisted of four 8-inch breech-loading guns in half turrets and eight 6-inch and two 5-inch breechloaders on the main deck. The *Boston* and *Atlanta* had 3,482 horsepower, 580 tons bunker capacity, and batteries composed of two 8-inch breechloaders and six 6-inch guns. The *Dolphin* has the distinction of being the first vessel, whether for naval or commercial purposes, built entirely of steel of domestic production. The rolled-steel plating of which she was built was the best in the world, and its character was the result of the impetus given to the steel industry by the policy of building a new and modern Navy. The Advisory Board prepared a set of strict regulations governing the acceptance of steel for the new ships, and the necessity for manufacturers to live up to the standard resulted in the production of better steel ship plates than could be made anywhere abroad. Before the work on the new vessels began steel was held at $8\frac{1}{2}$ cents per pound, but it immediately dropped to $4\frac{1}{2}$ cents, and this reduction, as well as the high quality of the material, caused it to be used in a great many ways from which it had been previously barred, and this increase in consumption in turn reacted on the manufactures, and the extension of plants and the employment of more workmen were the results.

TRIUMPH OF AMERICAN SHIPBUILDERS.

John Roach, of Chester, Pa., was the successful bidder for the first vessels of the new Navy, and his figures were $774,100 below the estimate of the Advisory Board. But he was not permitted to complete the vessels, as his failure compelled the United States to take over the cruisers and finish the work. The result was that it was 1886 before the *Atlanta* was commissioned and not until 1887 that the *Chicago* and *Boston* were placed in active service. The speeds attained by these cruisers ranged from 16.35

knots for the *Chicago* to 16 for the *Atlanta*, and this at a time when there were only eight 16-knot vessels in the world. This fact speaks well for the builders of that time, especially when it is taken into consideration that there was disagreement in the Advisory Board over nearly every phase of the question—engines, screws, sail power, etc. But notwithstanding this the result was highly satisfactory, and the vessels so constructed are to-day among the most efficient of their class in the Navy. One of them, the *Boston*, was with Dewey at Manila, and the *Dolphin* took part in the Cuban blockade. The *Atlanta* and *Chicago* were undergoing repairs at the time of the Cuban war, and so did not have their baptism of fire.

Additional ships were not authorized until the session of 1884–85, when the *Newark* and *Charleston*, cruisers, and the gunboats *Yorktown* and *Petrel* were provided for. The *Charleston* was constructed from plans purchased in England, and her engines combined features of the machinery of several foreign countries. But this vessel, built on these lines, was criticised as being behind the times, for her engines were compound, where the naval practice of the period was to use triple expansion. But for all that she did good service. Her first work was on the Pacific coast, where she captured the steamer *Itata*, suspected of filibustering in connection with the Chilean revolution of 1891, after a chase of more than 6,000 miles, steaming to Iquique, Chile, under war conditions. During the Spanish war she was sent to Manila, and on her way across the Pacific she called at Guam and took possession of that island in the name of the United States, the Spanish garrison making no opposition. In 1900, while cruising off the northern coast of Luzon, she ran on an unchartered reef and sank. When the *Yorktown* was completed, she, with the *Chicago*, *Atlanta*, *Boston*, and *Dolphin*, were sent to Europe to show our friends on the other side that we could really do that which they claimed we were incapable of doing, namely, build modern ships of war and sail them. That memorable cruise, the first of the new Navy, dispelled some of the doubts that had existed in European minds as to our mechanical and nautical skill; but there was still question whether we could really fight such vessels in case of need. The contempt of the Spanish toward us was only the exaggerated sentiment of the rest of Europe. But the events of the Spanish war very effectively removed the impression that we could not maneuver a fleet in action and shoot rapidly

and straight. The practical annihilation of the navy of Spain was the answer the new Navy of the United States gave to the unfriendly critics of the Old World.

THE FIRST BATTLE SHIPS.

The Forty-seventh and Forty-eighth Congresses had authorized only eight vessels, aggregating 22,591 tons, and costing $5,407,500 for hulls and machinery. It was but a fair beginning, for the little fleet had but little offensive power, and would have been of scant protection in case of war. But the Forty-ninth Congress began the work of constructing the fighting machines on which the burden of conflict must fall in time of trouble, and authorized two second-class battle ships, the *Texas* and *Maine*, and the protected cruisers *Baltimore*, *Philadelphia*, and *San Francisco*. A torpedo boat, the *Cushing*, was also authorized, besides six monitors, two gunboats, and the dynamite cruiser *Vesuvius*. The aggregate tonnage of these vessels was 56,491 tons and the cost over $12,000,000.

Mr. SCOTT. Will the Senator from California allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. SCOTT. Has the Senator from California figured what percentage of the cost of a battle ship is represented by labor?

Mr. PERKINS. It is nearly all labor. The royalty on the iron ore that is taken from the ground is about 50 cents a ton. It is converted into pig iron, and the pig iron into steel, and the steel into steel plates, and they are then fashioned and shaped into form. It is nearly all labor.

Mr. SCOTT. It would be over 90 per cent.

Mr. PERKINS. At least 95 per cent of it is labor. Indeed, it is all labor, one might say, from the time the miner with his pick delves in the ground to extract the iron, and the miner digs coal in the coal fields of West Virginia to smelt the iron, by which it is converted into pig iron, and the pig iron into ingots of steel.

Mr. SCOTT. The Senator will allow me. The building of a navy, then, really is a benefit to the working classes of the country. The money all comes back and stays in this country.

Mr. PERKINS. My friend, the Senator from West Virginia, has anticipated what I was about to state.

Mr. SCOTT. Excuse me.

Mr. PERKINS. It is really a benefit to the laboring men of this country. In my story here, which is somewhat tedious, perhaps,

I have endeavored to show, so far as it was practical for me to do so, the evolution of our Navy, and not only the evolution of the old Navy, which I have glanced over very rapidly, but also of our new Navy up to the present time. I will show that to-day we are the second power in the world, ship for ship, ton for ton, gun for gun—second only to England.

A NAVY JUST IN TIME.

Congress had, therefore, entered fully upon the course of creating a modern navy, and, as events proved, it was high time, for if we had not then got fairly at work, it is probable that the Spanish war would have found us unable to cope with such a weak naval power as Spain. The *Maine* and the *Texas* were the largest seagoing war ships we had at that time undertaken to construct, the former being 6,682 tons and the latter 6,315 tons, each of a little over 17 knots speed, and costing $2,500,000 each for hull and machinery. The cruisers were of about 4,000 tons, with speeds of about 20 knots. The battle ships were the first armored cruising ships ever built in the United States, and the necessity for this type was realized when it was seen with what ease the French ships, in the Min River, China, caused the Chinese fleet to surrender in 1884. Then was demonstrated the terribly destructive effect of modern guns and the absolute necessity of armor to protect fighting vessels. The *Maine*, it will be remembered, was blown up in the harbor of Habana, and was the immediate cause of the Spanish war. The *Baltimore* was with Dewey during the historic episode in Manila Bay.

The nation, having fairly launched itself in the great undertaking of creating a modern navy, went steadily ahead. But the progress, though sure, was not rapid, for it was not until 1892 that Congress authorized the *Iowa*, the last of the five battle ships that were ready to take part in the Spanish war, and without which we should at that time have been in far from a good condition to wage war in Cuba. Since that date every Congress has authorized one or more first-class battle ships. The *Iowa*, the most modern of our fighting ships at the time of the Spanish war, was of 11,340 tons and 17 knots speed, costing $5,871,206. From that time the size of battle ships increased a few hundred tons each year until 16,000-ton ships were attained. A few years ago it was believed that this displacement would very rarely be exceeded, but suddenly the world began to build fighting machines still more huge, and the Congress just ended has authorized the construction of two monster battle ships of 20,000 tons each.

PRESENT STRENGTH OF OUR NAVY.

On the 1st of last July the Navy of the United States consisted of 325 vessels, of which 20 were under construction, 8 authorized, and 12 unfit for service. There were ready for sea 285 vessels, including all classes. But the sea strength—the fighting strength—of the Navy excludes vessels over twenty years old unless they have been reconstructed or rearmed since 1900, transports, colliers, repair ships, converted merchant vessels and other auxiliaries, and all vessels less than 1,000 tons, except torpedo craft, and of these, boats of less than 50 tons are excluded. There is thus left an immediately efficient sea-going fleet of purely fighting craft numbering 144, as follows: Battle ships, 22; armored cruisers, 10; cruisers, 41; destroyers, 16; torpedo boats, 32; submarines, 12; coast-defense vessels, 11. But two battle ships, the *Mississippi* and *Idaho*, are so nearly completed that they will very soon be added to the fighting strength of the fleet. The effective vessels are manned by 2,081 officers, 34,062 enlisted men, and 8,414 officers and enlisted men of the Marine Corps. The battle ships range in size from 10,288 tons displacement to 16,000 tons, and the armored cruisers from 8,150 to 14,500 tons, only two being below 13,680 tons. The total tonnage of battle ships is 292,146; of armored cruisers, 128,445 tons; of cruisers, 131,487 tons; of coast-defense vessels, 45,334 tons. The tonnage of torpedo boats, destroyers, and submarines is 14,204. The total displacement of our effective vessels is therefore 611,616 tons.

Mr. NELSON. If it would not embarrass the Senator from California, I should like to ask him a question.

Mr. PERKINS. Not at all.

Mr. NELSON. How much water do these various ships draw, and can they enter most of our principal harbors?

Mr. PERKINS. That is quite an important question, and the answer to it is all important, too. Our battle ships draw from 26 to 28 feet of water. Anticipating the inquiry of my friend, the Senator from Minnesota, knowing how vigilant he is in whatever he undertakes—for I have been associated with him on the Committee on Commerce for many years—and thinking he might ask me some such question, I made inquiry of the Coast and Geodetic Survey as to the depth of water in the different principal ports of the United States.

It is said by some of our friends who are not in favor of subsidizing American shipping that we are appropriating fifty to

seventy-five million dollars annually for the purpose of dredging our harbors and improving them to accommodate foreign ships, but it will be apparent that the work is necessary to enable our own ships of war to enter our own harbors.

In response to the inquiry of the Senator from Minnesota, I will, with his permission, give the list as given to me by the Coast and Geodetic Survey.

This is a statement of low water at various ports in the United States. First, on the east coast, Portland, Me., 30 feet; Boston, 27; New York, 35; Philadelphia, 23; Baltimore, 30; Norfolk, 28; Savannah, 22; Charleston, 26. Therefore there would be only three of those ports into which it would be safe for a battle ship to go at low tide. There ought to be 2 feet of water between the keel of a ship and the bottom.

Gulf ports: Key West, 26 feet; Mobile, 23 feet; New Orleans, 28 feet; Galveston, 27 feet. New Orleans may have it now, but I remember when I was on a ship as a boy we had to remain at the bar six weeks, and the ship drew only 16 feet of water. We had to wait for the feshets.

On the Pacific coast we have not so many ports, but many of them have ample depth of water. San Diego, 27½ feet; San Francisco, 33 feet; Portland, Oreg., about 19 or 20 feet; Seattle and other sound ports will supply any depth of water.

I think the inquiry of my friend from Minnesota is very pertinent and to the point. In building ships of great draft, if lack of water would prevent them from entering the harbors, certainly there would not be any benefit. That is a question we shall have to consider in connection with the appropriations for building immense battle ships. I think the two large vessels of the Cunard Line recently constructed—the *Lusitania* and *Mauretania*—have a draft of water which makes it almost impossible for them to enter New York Harbor at low tide.

THE COMPARATIVE FIGHTING STRENGTH.

Such are the salient facts in relation to our sea force, but what of its comparative fighting strength? I think that the Scientific American explains the difficulties of the problem very clearly when it says:

It is a difficult matter to find a basis of comparison of the strength of the world's navies which will give satisfactory results. There are so many elements that affect naval efficiency, and the military value of these elements differs so widely that it is

simply impossible to make a comparison based upon any one of them which will give a reliable result. A mere statement of the total number of ships in each navy will not suffice, since these ships vary in size, speed, armor, and armament. It has been claimed that a comparison based on the total number and weight of guns carried would suffice; but the value of a gun depends greatly upon the character of the ship which carries it, the kind of mount upon which it is placed, the degree of armor protection, etc. Because of these modifying conditions, a 12-inch gun in one ship may expect to have two or three times the battle life and efficiency of a 12-inch gun in some other ship. Nor will a comparison on the basis of armor protection suffice, for a fleet which is powerful only in its defensive qualities and in which the area and thickness of its armor plating has been increased at the expense of the armament and the speed, would be wanting in that mobility and power to swiftly concentrate and deliver a telling blow at the critical moment, upon which the success of a naval campaign so greatly depends. So, also, a comparison on a basis of speed would be misleading, for high speed is one of the most costly elements in a war ship, costly in the large demands which it makes upon displacement, and it is a fact that, unless the size of the units be very large, unusually high speed in war ships is always associated with limited gun power and inadequate protection. A fleet of exceedingly fast but moderately armed and moderately protected ships might sweep the seas of the smaller unprotected cruisers and the general sea-borne commerce of an enemy, but it would be powerless to force the issue by a decisive line-of-battle engagement. Then, lastly, and perhaps most important of all, there is the question of age. We do not recall any product of human industry which, as the years go by, depreciates so rapidly in value as the war ship; and the most elaborate estimate of the relative value of the fleets of the world is not worth the paper it is written on unless the question of the age of the ships be most carefully considered. War ships built to-day have at least twice the value of those built ten years ago, and from four to six times the value of those built twenty years ago. Great Britain awoke to this fact and acted upon it in the mose trenchant way when she swept over 100 war ships off the list and placed them under the auctioneer's hammer.

I will say, having been engaged in the maritime business many years, that it is the rule of every prudent company to write off every year 5 per cent of the value of a vessel. The result is that the life of a vessel is but twenty years. Yet it requires a great deal of money to keep the vessels in order, as I shall show later on from figures taken from the records of the Bureau of Construction of the amount it would cost to keep a ship in ordinary repair, and they deteriorate, I will say, quite as much when laid up as when in service.

THE UNITED STATES SECOND IN NAVAL STRENGTH.

It is the opinion of the writer of the above and of many experienced naval men that the only true basis of comparison is total displacement modified by consideration of age. If this basis is adopted and comparison is made with the naval strength of the other principal nations of the world, the United States is found

to be second only to Great Britain. The relative order of tonnage of effective fighting vessels stands as follows:

	Tonnage.
Great Britain	1,633,116
United States	611,616
France	609,079
Germany	529,032
Japan	374,701
Russia	232,943
Italy	207,632
Austria	113,235

According to the Bureau of Navigation, the tonnage of all naval vessels built or building November 1, 1907, shows France in the second place, with 836,112 tons, against 771,758 for the United States, and if we authorize two battle ships of the *Dreadnought* type the figures for the United States will be increased to about 812,000 tons, leaving France still second in tonnage on the sea. But these figures are, in a way, deceptive, for they include coast-defense vessels, which are not designed for cruising, and consequently should not figure in our computation of strength on the high seas. If we eliminate these we shall have 766,666 tons for the United States and 762,812 for France, leaving us still second by a small margin. But if we compute the strength of line-of-battle ships—the true fighting strength of the Navy—including battle ships and armored cruisers, we shall find a still greater margin in our favor.

As intimated in the resolution which I have offered and which we have under consideration, I think we ought to maintain our relative position as the second great naval power of the world. I will show you later, if I have not already done so, that for effective service we are to-day the second great naval power. It is a most popular branch of our Government to-day with the people, but they seem to underrate or underestimate the great progress we have made during the past ten years in building up our Navy.

According to the Navy Yearbook, compiled by Mr. Pitman Pulsifer, we have built, building, and provided for 563,591 tons in ships of this character. But foreign naval authorities class the *Charleston*, *Milwaukee*, and *St. Louis*—nominally protected cruisers—as armored cruisers, and if we add their tonnage—29,100 tons—and the 40,000 tons in two new battle ships of the *Dreadnought* type, we shall have 632,691 tons of purely fighting ships against 590,215 for France, giving us a lead of over 42,000

tons, while our vessels are not so old, and are thereby relatively more effective than the French. Two more big-gun battle ships, therefore, will assure us the second place as a sea power. We shall have thirty-one battle ships against twenty-seven for France, with twelve armored cruisers—or fifteen if we adopt the foreign classification of the three cruisers named above—against twenty-three French of the same class. But our armored cruisers will average 12,400 tons against 9,600 for the French, so that, on the basis of the greater number of guns in a shorter line, our cruisers should be at least equal in offensive strength to the greater number in the French navy.

CONSTRUCTION BY OTHER NATIONS.

In November Great Britain had under construction four battle ships and six armored cruisers; France, eight battle ships and four armored cruisers; the United States, seven battle ships and two armored cruisers; Germany, six battle ships and two armored cruisers; Japan, two battle ships and two armored cruisers. With the authorization of two more big-gun ships we should be far in advance of all other naval powers in the matter of new construction of battle ships, surpassing even Great Britain. And in the past ten years we have been next to Great Britain in the matter of appropriations for new construction and in the tonnage constructed. I refer to this more particularly because many claim that we ought to provide for four large battle ships. It is understood that provision will be made for two, which will give us, as I have endeavored to show, relatively, a position second only to that of Great Britain, and far in excess of that of France.

According to Lord Brassey, during the ten years from 1896 to 1906, the United States expended in new construction £48,938,200, while France did not expend so much by £520,000. And in that time we added 503,100 tons to the aggregate of the displacement of our naval vessels, while France added only 388,600 tons. No country except Great Britain equaled the United States in the total expenditure on the Navy, which was for the United States in the ten-year period £152,403,000, against £120,610,000 for France, and only £81,974 for Germany.

Yet, before projected ships are on the water, other and more formidable ships will be authorized or begun, and we may, I think, be assured that the additions to our Navy will be such as to keep us for all time in the second place as a sea power. Germany and

Japan we have already so far outstripped that there is no likelihood that they will ever overtake us. But in the number of men we fall behind. Our effective fleet has 34,062 enlisted men, against 41,070 of Japan, 42,400 of Germany, 51,926 of France, and 98,973 of Great Britain. But, as is well known, the fighting strength of a body of men does not reside entirely in numbers. The character of the man behind the gun, as Rear-Admiral Mahan pointed out years ago, is a prime factor, which often makes a hundred men the superior in fighting power to a thousand.

So, I believe, the recent target practice in the Navy has given every evidence of the great energy, efficiency, and power of our ships and of the skill of our men behind the guns. We need have no uneasiness, therefore, on account of the lesser number of men per ton on our fighting ships.

Mr. HOPKINS. Will the Senator allow me to interrupt him right there?

Mr. PERKINS. Certainly.

Mr. HOPKINS. Have we men sufficient to man the different war and other vessels that we have so as to make them the most efficient possible?

Mr. PERKINS. I understand that now we can fill up the quota. We have not done so heretofore. I will say, by way of explanation to my friend from Illinois, that the sailor experience is not so much required now as in former days. The modern battle ship is a great machine shop, and men who have not been following the sea who are good machinists are very efficient in many ways on a battle ship. Under the old Navy, the Navy of 1812 that I referred to, it was the men of experience on sailing ships who were necessary to man our vessels of war. A man had to graduate in the fishing trade or the coast trade, but I am informed by the Chief of the Bureau of Ordnance that now they can fill at almost any time the demand for men for our fighting ships.

Mr. HOPKINS. I will state to the Senator that what caused me to ask the question is the great disparity in numbers as compared with Japan when you take into consideration the fact that our tonnage is so much greater than that of Japan.

Mr. PERKINS. The ships of war of Japan carry about 30 per cent more men than we do. Therefore it can be said that an American sailor is worth nearly two of Japan's.

Mr. HOPKINS. Why is that? Why do the Japanese ships carry so many more sailors?

Mr. PERKINS. It is a matter of expense. The sailor's wages on a Japanese ship is $5 a month, while we pay our men $16, and they do not care to go to sea for that. We have, however, first-class men now in our Navy.

AN ENGLISHMAN'S IDEA.

Mr. PERKINS. In further answer to the Senator from Illinois, I will quote what Lord Brassey says. It is the opinion of the British Engineering Magazine that we should supply more men. It says:

> Of personnel it may be said, in passing, that the United States Navy is short some thousands of men; and although the officers responsible say that this deficit could easily be filled, it can not be considered that the Navy is an efficient service until this is done; and, in spite of official optimism, the supply of freeborn white Americans who seek a living on the sea is by no means on the increase.

This is British authority, and just here is a strong argument in favor of the rehabilitation of the American merchant marine, which can give us a reserve supply of seafaring men, as it did in times past, and such as England possesses to-day. My friend from New Hampshire [Mr. Gallinger], whom to-day I am relieving, says he will take the floor on Monday and show the necessity or rehabilitating the American merchant marine in order to supply sailors.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. With pleasure.

Mr. GALLINGER. I was called from the Senate Chamber and I have not had the great pleasure I anticipated of listening to the Senator from California during his entire address to-day. I note that he has been discussing the American sailor—the matter of crews on our ships. I have been told that two-thirds of the men who have gone on the Pacific cruise on our battle ships have been recently recurited from the agricultural regions of the West and the Northwest. They make most excellent men, of course, but I anticipate that they have gone as on a pleasure trip, rather than with a view of remaining in the service. Is there not great danger that after the term of their enlistment expires they will leave the service and we shall then have a very great shortage of men for service on our ships?

Mr. PERKINS. I think, Mr. President, with the Senator from New Hampshire, that we ought to rehabilitate our merchant marine, so that we can have experienced sailors to draw from in

case of emergency to fill places that do not require the training necessary in those who manage machinery, tend boilers, and have to do with the complicated machinery of a modern ship of war.

Mr. GALLINGER. I thank the Senator for expressing that view. Beyond doubt there is very great necessity for doing that.

Mr. PERKINS. Yes, Mr. President, that is quite true. We have naval training stations, and the men trained there furnish the recruits for our Navy. The 14,000 sailors now en route to the Pacific enlisted for a term of years, and they were prompted and inspired to enlistment by patriotism. Our Navy has become very popular among the sailor men, although the wages we pay are not those paid in the merchant service.

ADVANCE IN NAVAL CONSTRUCTION.

The battle of the Sea of Japan, in which Japan wiped out the remnants of the naval power of Russia, taught lessons which have led to marked changes in the character of fighting ships. A study of that battle has convinced naval experts that in an engagement that fleet will be victorious which can place on the shortest battle line the greatest number of 12-inch or other larger guns. Therefore there has come upon the scene the huge 20,000-ton battle ship, armed with the most powerful 12-inch or 13-inch rifled guns, on whose smashing effect the results of battle rest. The big ship is designed for the purpose of shortening the battle line, thus concentrating the big-gun fire. The United States has authorized the construction of two of these 20,000-ton monster fighting machines, and the President recommends that the present Congress authorize four more. The terribly destructive effect of the modern 12 and 13 inch guns at close range is so great that the distance at which sea battles are fought has been greatly increased. It is estimated that in the battle of the Sea of Japan the distance between the hostile fleets was 5,000 yards, or about 3 miles, and it is believed that the newer and higher-power guns of to-day would lead to an increase of the distance to fully 7,000 yards, or 4 miles. Accuracy of fire is, therefore, a prime necessity, and for that reason the existing naval vessels of the different nations spend much time in target practice. It was the target practice of the Japanese that completely smothered the Russian fleet and destroyed in a few hours the sea power of the Czar. What the United States Navy is doing in this line of work is illustrated by the record of the battle ship *Connecticut*, flagship of the Pacific fleet, now on its way to San

Francisco. Targets 30 feet high and 50 feet long—about an eighth the exposed surface of a modern battle ship—were hit by four 12-inch, nine 8-inch, and seventeen 7-inch shells as the vessels steamed for eight minutes from a position 4½ miles from the target to one 5½ miles distant. That is taken from the official record. It is a most wonderful exhibition of skill on the part of the men behind the gun. This is clearly a case of shooting straight, which has always characterized the men on board American ships of war.

IMPORTANCE OF THE BIG-GUN SHIP.

In heavy armor-piercing guns England, of course, is preeminent, having 292 that can be brought into action when the vessels under construction and authorized are completed. France comes next with 160, and the United States third with 144. Germany and Japan have 118 each. These are the guns which would probably prove decisive in any engagement, and the fleet which could bring the greatest number within the shortest battle line would undoubtedly be the victor. The big ships alone could shorten the line and concentrate the big-gun fire, and the fleet having the greatest number of big ships would, therefore, in all likelihood be the victor, the fighting qualities of the men being equal, even though the opposing fleet had a far greater aggregate displacement.

Mr. HOPKINS. I should like to ask the Senator another question. If in the modern war vessel the distance between the contending navies will be 3 or 4 miles, of what great benefit are the torpedo boats? I ask the question in view of the fact, as I understand, that the other branch of Congress has authorized a larger number of torpedo boats than was recommended by the Department.

Mr. PERKINS. It is a question of evolution in high explosives.

Mr. GALLINGER. I was about to remark, if the Senator will permit me, that the increase allowed by the other House is not in torpedo boats, but in submarines, and it is not expected that the submarines will go very far from shore to do their fighting. They are largely designed for coast defense.

Mr. HOPKINS. But we have given a large amount of money from time to time for the construction of torpedo boats in our Navy, have we not?

Mr. GALLINGER. Certainly; but my suggestion was that, as far as the increase in the pending naval bill is concerned, it is for submarines proper.

Mr. HOPKINS. I understand that the submarines are used for coast service largely.

Mr. PERKINS. Answering the Senator from Illinois, in my opinion the torpedo is a very effective mode of warfare. It can be sent 3,000 yards from the torpedo boat, which goes with great speed—at 30 knots an hour, perhaps. It goes within a short distance of the battle ship and sends its torpedo on its mission of destruction and is particularly effective in a naval engagement against battle ships that have had their offensive power weakened by the fire of big guns. They are said to have been very effective in the hands of the Japanese in the battle of the Sea of Japan against the crippled vessels of the Russians. It is the opinion of Admiral Mahan and other eminent men in our Navy that torpedoes are most effective, both as offensive and defensive weapons.

Mr. GALLINGER. We had an illustration of that at Port Arthur.

Mr. HOPKINS. What is the opinion of the Navy people as to the number of torpedo boats that should be constructed in proportion to the number of cruisers and battle ships?

NEED OF MORE TORPEDO BOATS.

Mr. PERKINS. Japan has a very much greater proportion than we have. I think myself that we are deficient in torpedo boats. The Naval Board, of which Admiral Dewey is president, the Joint Army and Navy Board, and the General Board have this matter under consideration. Our Committee on Naval Affairs also have it under consideration; and I would hardly like to venture an opinion until we have had their evidence, which will materially aid in forming a conclusion on the various questions before our committee.

Mr. HOPKINS. Then, as I understand it, in constructing a great navy and maintaining it as we are seeking to do, there is a certain proportion of torpedo boats that will be constructed with other war vessels.

Mr. PERKINS. Certainly; that is the policy of the Navy Department. It is the policy of the Bureau of Construction, and also, I think, of both Houses of Congress. It is the part of wisdom, it seems to me, for the United States to profit by the experience of other countries. Great Britain has pursued that course, France has done so, and Japan used torpedoes most effectively in the recent war with Russia.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from West Virginia?

Mr. PERKINS. With pleasure.

Mr. SCOTT. I should like to ask the Senator from California how many colliers are now in transit with our fleet to the Pacific coast for the purpose of carrying supplies of coal?

Mr. PERKINS. Does the Senator refer to American colliers?

Mr. SCOTT. I am asking for the total number.

Mr. PERKINS. Twenty-one, I think, left the Atlantic coast.

Mr. SCOTT. Of the twenty-one how many are American built or flying the American flag?

Mr. PERKINS. Two, I think; not more than three.

Mr. GALLINGER. Two.

Mr. SCOTT. There are only two of those colliers that belong to America and fly the flag?

Mr. PERKINS. That is one of the bad features.

Mr. SCOTT. Does the Bureau of Navigation recommend the building of additional colliers?

Mr. PERKINS. I understand so; and there are several bills for that purpose now pending before Congress. Two have been introduced in the Senate. One, I think, by the Senator from Massachusetts [Mr. LODGE], and another by the Senator from New Hampshire [Mr. GALLINGER], providing for the purchase of some colliers that have already been built in American yards.

Mr. SCOTT. How far could the battle-ship fleet possibly proceed, even on a pacific mission, without the aid of colliers to carry supplies of coal?

Mr. PERKINS. Three thousand miles, I think, would be an extreme distance.

Mr. SCOTT. Perhaps two or three days.

Mr. PERKINS. About ten days—that is, under ordinary speed.

Mr. SCOTT. From five to ten days?

Mr. DEPEW. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. PERKINS. With pleasure.

Mr. DEPEW. I have inquired about these colliers. I think the exact number is thirty-seven.

Mr. PERKINS. I took the statement in the press at the time that twenty-one left here. A part, I think, only went down on the southern coast. I think only ten went through the Straits of Magellan. However, it is a pretty serious question, and the Senator from West Virginia makes a very pertinent inquiry, "What would we do with the colliers which we have now chartered if we were at war with another nation?" Probably we would have to charter others.

Mr. SCOTT. I will ask another question, if the Senator will pardon me. In case we were engaged in a war, would it not be impossible for us to charter these vessels from a neutral power?

Mr. PERKINS. I think we could purchase them or press them into service.

Mr. SCOTT. We would have to purchase them before we declared war.

Mr. PERKINS. We purchased from England during the Spanish war. We have on the Pacific coast I think, some six or eight foreign-built vessels now in the transport service between the Pacific coast ports and the Philippine Islands.

Coming down to the practical question, the big-gun ship has come to stay, and we are preparing to build two of 20,000 tons displacement and 21 knots speed, larger than any battle ship yet built by any other nation. The *Dreadnaught*—that big-gun ship which England built with such astonishing rapidity and which has set the pace for other nations—is only 17,900 tons, and none of the six large fighters now on the stocks in England equals in size our *North Dakota* and *Delaware*, whose construction has just commenced. Three of the new English battle ships, building or authorized, are of 18,600 tons, and three of the improved *Dreadnaught* class are of 19,250 tons displacement. It has been stated that the last three are to be given 13½-inch guns, but the accepted belief is that they will be armed with ten 12-inch rifles. The smaller ships will carry ten 12-inch guns.

France is constructing six battle ships of 18,350 tons and two of 14,865 tons, but the programme for 1909 contemplates only battle ships of 20,000 or 21,000 tons, 20 knots speed, with turbine engines, and is leaning toward an armament of 16 guns of 274 milimeters, or nearly 11 inches. They suggest even as many as 20 guns of 240 milimeters, or about 9½ inches.

THE LIFE OF A SHIP OF WAR.

As I said, the life of a ship is twenty years, and we write off every year 5 per cent. I think with a battle ship the improvements that have been made in the engines and boilers would make the life of the ship much less.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. Certainly.

Mr. WARREN. Does not the Senator think 10 per cent is about the average percentage of loss as applied to a battle ship and its machinery?

Mr. PERKINS. It is, undoubtedly; because the life of an engine and of a boiler is only about ten years. The corrosion and galvanic action upon the boilers will make the average life of a boiler not to exceed ten years.

Mr. WARREN. That would represent the entire percentage of loss on a large battle ship.

Mr. PERKINS. I think so.

Mr. WARREN. That would amount to the same thing as a battle ship being practically consumed in ten years.

Mr. PERKINS. That is the calculation made by my friend from Wyoming.

Japan is constructing a battle ship of 19,200 tons and one of 19,800 tons. The latter has a battery of four 12-inch and twelve 10-inch rifles. Four more ships are planned for this year, of 21,000 tons, 20 knots speed, each carrying twelve 12-inch guns. She has one armored cruiser, the *Tsukuba*, of nearly 20,000 tons, and plans two more such ships.

Italy seems to have set her limit at 16,000 tons and Austria at 14,500 tons.

RELATION OF SIZE OF SHIPS TO DEPTH OF HARBORS.

Mr. President, there must be a limit to the size of battle ships, which limit is set by the depth of harbors, for a ship must after all rely upon the land for support and must visit dockyards for supplies and repairs. This applies to what has already been anticipated by me in what I have said to my friend from Minnesota [Mr. NELSON].

It is apparent that that limit is nearly reached, for there are few harbors that will admit vessels of over 35-foot draft. The

huge *Lusitania*, of the Cunard Line, of 38,000 tons displacement and drawing 33½ feet, is undoubtedly as large a vessel as can enter New York Harbor without a further expenditure for dredging. That harbor, Norfolk, San Francisco, and Puget Sound are, I think, the only harbors we have that can receive the largest vessels now afloat. I was surprised at the list given me by the Coast and Geodetic Survey relative to the depth of water at Baltimore.

It is pointed out by naval authorities that Germany is limited in the size of its fighting ships by the shallowness of its harbors. In spite of the energy of the Emperor and his intense desire to create as powerful a fleet as exists, he can not alter the physical configuration of the German coast. Thus at present Germany possesses no battle ships of over 13,200 tons, though four of 19,000 tons are projected. It is quite safe to say that these figures represent about the limit of size for German ships unless there is a great improvement in harbors. But even when the limit of size has been reached the building of war ships must continue, for the reason that a new vessel is hardly in the water before some other nation lays the keel of another which outclasses her in some important respects. Advances in the construction of engines, boilers, speed, armor, armament, guns, ammunition, and torpedoes are constantly made, and when incorporated in a new vessel create a new and more efficient fighting machine. Already foreign naval experts class the *Indiana*, the *Massachusetts*, and the glorious *Oregon*, which was the crack ship of the ocean at the time of the Spanish war, as obsolescent—hardly worthy of being considered as effective in line of battle when pitted against the newer ships of the world's navies. England has virtually wiped out eleven battle ships of from 10,500 to 14,150 tons as obsolescent, though among them we find the *Royal Sovereign*, the *Emperor of India*, and the *Hood*, which a few years ago were considered the most powerful ships of the British navy.

MAINTAINING SEA POWER.

This proves what I said, in answer to a question already propounded to me, that the vessels have become obsolete by the greater improvements being made in structure, machinery, and general fighting capacity.

The new naval programme of Germany includes a proposition to decrease the nominal life of a battle ship from twenty-five to

twenty years of active service, which, if adopted, will lead to the construction of five 19,000-ton battle ships instead of four. Thus progress in science is constantly lessening the efficiency of existing fleets by bringing into the field others which outclass them in many or all important points. Therefore the nation that would keep on the sea a fleet equal to all emergencies must be constantly building new ships and planning still others before the keels of those authorized are even laid. For that reason I have an idea that it will be a wise policy for us to limit the number of ships which we build yearly, and that one or two should be the maximum of these huge ships to be built each year.

The two huge battle ships authorized by the Fifty-ninth Congress are evidences of the sudden changes which occur in the ideals of naval construction. These big fighting machines are the results of the observations made during the progress of the war between Japan and Russia and the study given to the details of the naval battles, particularly that of the Sea of Japan, in which Admiral Togo destroyed the Russian fleet. Up to that time it had been one of the cardinal points of naval construction to provide for what are called "secondary batteries," which consisted of a large number of guns of small caliber compared with the four big guns which composed the main battery of battle ships. The manner in which the Russo-Japanese battles were fought, the nature of the injuries received, and the controlling factors in the work of demolishing the Russian vessels seemed to teach that it was the big guns that were the most efficacious and that the 8-inch and 6-inch rifles were of practically no avail against armored ships at the distances at which they are fought. The conclusion was that inasmuch as we had learned how to handle big 12-inch guns so as to secure accuracy of fire, a battle ship carrying only 12-inch guns as an offensive force, with simply small-bore rifles to repel torpedo-boat attacks, presented the very highest type of efficiency. So the great European naval powers set about creating such ships, and England built the *Dreadnought* and commissioned her October 2, 1906. This great ship is 490 feet long, 17,900 tons displacement, of 21½-knot speed, with about 26,000 horsepower, and a bunker capacity of 2,700 tons. Her main battery consists of ten 12-inch breech-loading rifles in turrets. She has no secondary battery; her entire offensive power is centered in the 10 great guns in her turrets.

The United States had about the same time authorized the *South Carolina*, of 450 feet length, 16,000 horsepower, and 18½ knots, to be armed with eight 12-inch rifles, but when the details of the *Dreadnought* came to hand it was seen that our own big vessel was outclassed. Hence Congress was urged to authorize the construction of vessels of the *Dreadnought* class, and this was done by the Congress just ended. The two great battle ships which will now be built will cost, exclusive of armor and armament, $6,000,000 each, and probably $12,000,000 each when ready for commission. They will be 510 feet long, 85 feet 2⅝ inches beam, of 20,000 tons displacement, and 2,300 tons bunker capacity, with a speed of 21 knots. They will have for a main battery ten 12-inch breech-loading rifles and for a secondary battery fourteen 5-inch rapid-fire guns; four 3-pound saluting guns; four 1-pound semi-automatic guns; two 3-inch field pieces, and two machine guns. There will be two submerged torpedo tubes. The hull will be protected by a water-line belt 8 feet wide and 11 inches thick. Above this 10-inch armor will extend in a belt 7 feet 3 inches wide, and above this there will be armor 5 inches thick to protect smokestacks, the secondary battery, etc. The arrangement of the main battery is such as to give a broadside fire 25 per cent greater than that of any battle ship now built, or, so far as known, under construction, and the average elevation of the guns above the water line is believed to be greater than that of any other vessel, thus giving a distinct advantage in long-range firing. By compartment arrangements, armor, protective decks, and other provisions, it is believed that those vessels will have defensive qualities greater than those of any vessel now afloat, or up to this time designed. The proportion of weight of hull and armor is greater than in any other battle ship, and the actual total 3,000 tons greater than in the largest battle ship built so far.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

Mr. McCUMBER. I wish to ask the Senator from California if the logic of his argument is not that we are simply trying to keep up with the other maritime nations of the world and that every time they get out an immense ship we try to match it with one of

equal capacity? Why not in the very beginning, or right now, if we are going upon that theory, proceed to estimate for the largest possible warship that can be constructed which can enter any of our ports, build it at once, and man it with the largest possible guns, instead of changing year after year and going by a gradual scale, simply trying to keep up with some of the other nations? It seems to me the logic of the argument is that ships built this year will be of very little value two years from now and that we are all the time reaching toward greater ships. Why not, then, in the beginning build, man, and equip the very greatest ships that we can put afloat which can enter our harbors?

Mr. PERKINS. Mr. President, that is a point which has developed itself in the ship which we are now building named after the State of my friend from North Dakota, of 20,000 tons displacement, I think it is. As I have stated, I think we have nearly reached the limit in the size of ships.

Mr. MCCUMBER. I understand from the Senator that his view is now that we have finally reached the limit as to the size of ships that can be built for war purposes.

Mr. PERKINS. It would hardly be fair, Mr. President, to put it in that shape; but I have been endeavoring to show that from the time of the building of the *Constitution* we have been progressing until we have reached the construction of one of the largest battle ships. That is an evolution which has been gradually going on in development until we have reached a point which could not have existed even in the vivid imagination of my friend from North Dakota ten years ago.

EVOLUTION IN BATTLE-SHIP CONSTRUCTION.

Mr. MCCUMBER. If the Senator will pardon me, the evolution that has been going on so far has been simply to keep abreast with other great nations in the construction of immense war ships. We have not tried to exceed them to any extent; we have not considered practically what we can do and what ought to be done; but we have been guided simply by the one proposition, that we must have as great a ship of war as Great Britain has produced, and we go a few thousand tons ahead each time. It does seem to me that we ought to start on some plan which looks far enough ahead so that the ship built to-day will be worth something ten years from to-day. The Senator from California speaks of the practical life of a ship as being about ten years.

Mr. PERKINS. Twenty years.

Mr. McCUMBER. About ten years for a war vessel after taking off 10 per cent each year. The Senator's argument, if it establishes anything, establishes the fact that a war ship built ten years ago is practically of no value to-day, and, logically, from the same argument, one built to-day will be practically of no value ten years from to-day, irrespective of the ability to maintain it and keep it in working order during that time.

Mr. PERKINS. Our Navy Department is composed of as eminent men as there are in this or any other country. They are desirous of having geniuses submit plans to them or any new invention in connection with these matters or for experimental purposes; and if my friend from North Dakota will submit plans embodying his ideas, I shall take great pleasure in presenting them to the Department, and I am sure they will receive proper consideration. The evolution in the construction of a battle ship is like that of the rifle which my friend now shoots. A few years ago he shot a muzzle-loading rifle, using black powder, and now he shoots a Winchester, a Henry, or some other modern make of rifle, using smokeless powder. Such a rifle has been produced by this same process of evolution.

Mr. WARREN. Mr. President, I should like the Senator to state his views as to the kind of Navy he desires relatively to the other navies of the world. Does he desire a Navy relatively of a second or third size?

Mr. PERKINS. I desire to maintain our Navy in the present relative position which it now has, which is second only to that of Great Britain. I think our great country ought to maintain that position.

Mr. WARREN. I quite agree with the Senator. It is not a question as to how large a Navy we may be able to build. I think we have the best men in the world behind the guns; and if we hold our relative position as at present, I think we shall be doing quite well enough.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

THE MEN ON OUR SHIPS OF WAR.

Mr. McCUMBER. If I may be permitted, I should like to make a suggestion in answer to the suggestion that has been made by the Senator from Wyoming [Mr. WARREN]. I have

heard a great deal of the argument about "the man behind the gun." I concede that we have about as good men behind the guns of the United States as has any nation on the face of the earth; but when our friends tell us that our ships are manned about 75 per cent or 80 per cent by foreigners, and not by American citizens at all, it does not seem to me that the question of the men behind the guns counts for so very much in view of the personnel of the present force upon our great war ships. It seems to me—if I may just take one second of the Senator's time——

Mr. PERKINS. I am in search of light.

Mr. MCCUMBER. That the drift of our American populace for labor will be where they can get the best remuneration, and you can get good sailors only as you pay good remuneration to them. You are not going to get the very best of our American citizenship and character to be the men behinds the guns unless you pay a remuneration that will justify them in giving their service to the Navy instead of to some branch of industry.

For my part, I can not see any difference in this respect between the man who comes from Norway, as the father of my friend from Minnesota [Mr. NELSON] came, and the man that was born in this country. When Ole Olsen lands in New York, he is just exactly the same Ole when he lands there that he was when he left Norway. The mere taking on of American citizenship does not give him an inherent quality any better than he had in his old country. What does he get here? He gets the practice. The "man behind the gun" is the man that has the practice; and the country that has got the wealth to expend in the practice—I do not care whether it is on the other side of the ocean or on this side of the ocean—will get good marksmen in time. Japan and Great Britain probably are doing just exactly as well as we are. After all, it is a question not so much of "the man behind the gun" as it is the dollars that are behind the guns and the dollars that can furnish new guns when the old ones are exhausted.

That is to me really the whole question that arises in connection with "the man behind the gun." It is practice. If we want good men for our Navy, we have got to pay for them; and I believe we can get them without even passing the bill recommended by our friend from New Hampshire [Mr. GALLINGER].

Mr. WARREN. Mr. President, will the Senator from California permit me?

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. With pleasure.

Mr. WARREN. I ask the Senator from North Dakota [Mr. MCCUMBER] if there has been any claim made that a man must be an American citizen in order to make a good gunner? I make no such claim, but I do say that men educated in the American Navy by American officers—and when I say "American officers" I mean those who are educated at Annapolis and in our schools—are the best in the world. I agree with the Senator perfectly that it is not a matter of where the men were born. They may be born in any country; but the American Navy as it is officered and manned, to my mind, furnishes the best gunners in the world, and they have the best practice and the best schooling.

Now, as to the pay. So far as the rank and file is concerned, the Navy is getting a very sufficient pay. As stated by the Senator from New Hampshire [Mr. GALLINGER], the late recruits are largely men from the Northwestern States—all educated men and good men. The Navy is paid to-day in the rank and file just a fraction of 1 per cent less than double what is paid in the Army for corresponding rank and file.

HOW AMERICAN CITIZENSHIP WORKS.

Mr. PERKINS. Mr. President, I can only answer my friend from North Dakota [Mr. MCCUMBER] by relating an incident that once came under my observation. I was in a mining camp away back in the gold fields of California. A worthless fellow there, who amounted to nothing and had not the respect of anyone, was finally elected constable. They said, "He is a 'rum' customer for a constable, an officer of the law;" but immediately on his election he caused them to change their opinion. There was a riot and a row on hand, and he went into camp and said: "I am a little fellow and only weight 120 pounds, but I represent this Government; the whole American people are back of me, and I will arrest every man of you." So it is with the men who join the Navy. They do it for patriotism, for love of the country which they have taken an oath to fight for, and not the dollars and cents that they receive.

My friend from Minnesota [Mr. NELSON], who went to the front during the war, did not go for the little measley $12 or $14 a month that he got. It was patriotism that inspired him, and so it is with nine-tenths of the men who enlist in the Navy. It is patriotism; it is love of country; it is the position they hold that

inspires them to do their duty and not the per diem or the per month wages received.

Mr. McCUMBER. I should like to ask the Senator right there——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

Mr. McCUMBER. I should like to ask the Senator if he does not think that in time of war we get a great deal better citizen soldiery into the Army than we do in time of peace?

Mr. PERKINS. I think there is no question of that.

Mr. McCUMBER. In time of peace it is not so much a question of patriotism. In time of actual war, of course, it is a question of patriotism, and then we get our very best citizenship irrespective of the remuneration; but to-day we are unable, as is stated, to get men into the Army. They will not go and serve. Still those men are patriotic, and if we were engaged in war they would go quickly and serve the country; but they do not care in time of peace about serving the country for that measly $13 a month, nor will the average American care about going into the Navy in time of peace unless it is sufficiently remunerative. In time of war I think we would have no trouble in manning all our vessels.

THE NEWER SHIPS OF THE NEW NAVY.

Mr. PERKINS. Mr. President, I was about to say, when interrupted, that the ships to which I have referred should, in truth, be formidable antagonists in a naval battle and they will cast into the shade the modest little ships with which Dewey achieved his immortal victory, or those with which Sampson and Schley destroyed the Spanish cruisers on the Cuban coast. The advantages claimed for the big-gun ships are concentration of fire, which is easy with a few ships, but difficult where the same number of big guns are dispersed among many vessels. Besides this, it costs less to build and less to maintain a vessel of the *Dreadnought* type than two ships which will give as great offensive power. The big-gun ships, therefore, permit a very material gain in two ways, and these ways are such that they must be considered. Hence we have come to the all-big-gun battle-ship period, and the United States has set the pace for this style of naval architecture. We may truly feel a just pride in our Navy as it now stands, and when the two big battle ships are afloat we need have no fear on the sea of any other nation on the globe. There

is no longer any danger that we shall fall behind in the march of naval progress. Congress has given evidence that it realizes the necessity for being "up to date" in our Navy, and we may be assured that we shall in the future keep at least abreast of the other nations of the world.

But if we are to do so we must avail ourselves of the knowledge of experts, wherever they may be found, who have devoted themselves to naval architecture. To confine ourselves to the experience of a given class of builders will deprive us of the benefits of the discoveries of those who have followed other lines of investigation, or when we are compelled to make use of them we shall find ourselves behind in the race. The most complicated machine yet constructed—the modern battleship—should embody the results of the most advanced thought at the time it is designed. Constructors of the huge merchant vessels of to-day have ideas of value; private constructors of war ships have experience that is worth considering; the results of experiments of foreign nations must be taken into account. In fact, the whole field of naval architecture must be searched and every well-developed fact to date must be utilized in building a battle ship of to-day, if we are not to have the mortification of seeing our ships outclassed as soon as they are launched.

THE COST OF THE NAVY.

From March 3, 1883, to June 30, 1907, the cost of the vessels of the new Navy, built, building, and authorized, aggregated $309,359,190. The actual cost of the completed battle ships, armored cruisers, protected and unprotected cruisers, aggregated $227,403,833, and there has been expended on vessels under construction $30,454,190. But this is only a part of the cost of the Navy to the nation. During the period above named, the entire pay of the officers and men manning the vessels in commission has been $258,458,611, and the Marine Corps, which is a part of the naval establishment, has cost $28,440,241. There must also be added the repairs to the vessels, which will average from $30,000 to $50,000 per year for each of the fighting vessels. Then, there are other expenses at the navy-yards, etc., which add still more to the total of expenditures. The total expenditure on account of the new Navy is, indeed, very large, amounting since 1883 to $1,244,651,029, and most of it is of the character which political economists class as unproductive, and therefore call an absolute

waste. But in the case of our new Navy, is it a fact that we have wasted the hundreds of millions of dollars we have put into these ships and have paid to the men who man them? I think that the victory of Dewey and the affair of the Spanish cruisers off the Cuban coast, with the subsequent change of the world's opinion regarding the United States, give a conclusive answer. And, as our Navy grows, the attitude which other nations will take toward us will be further proof that the expenditure has been judiciously made. But in the mere matter of dollars and cents has our new Navy been a mistake? I think not, for these reasons:

HAS OUR NAVY BEEN A MISTAKE?

Up to the time the first steel cruisers were proposed no steel ship plates had been manufactured in this country, and when John Roach put in his bid for them and secured the contract he had to undertake the manufacture of this material, and succeeded in doing so through the steel works of Thurlow, Pa. After receiving the contract, he contracted with the Phœnix Iron Company and Park Brothers, of Pennsylvania, and the Norway Iron and Steel Works, of Boston, for similar material, and this introduced a new industry into this country. And this industry has grown, as every one knows, but how much is not perhaps fully realized. In 1880, just before we began to build ships which called for steel of domestic manufacture, there were, according to the census of that year, 140,978 wage-earners in the iron and steel trades, earning $55,476,000 in wages, and turning out products worth $296,557,000. The demand for steel of the highest quality resulted, as stated before, in the introduction of processes for its manufacture, for there was a sure market for the product. This enabled manufacturers to improve plants and produce steel at lower and lower cost. Its lower cost enabled it to be used in structural work, where its high price previously prohibited it, and gave birth to the new style of construction which has revolutionized the methods of the building trades and has given us better structures than we ever had before. The increased plants of the steel manufacturers soon turned out the cheapest rails and railroad iron in the world, and rendered possible that marvelous growth of our railroad system which in time has led to the development of what were the waste places of the continent. And, as we all know, not only do we supply the domestic market with all the iron and steel it demands, but our manufactures go to all parts of the globe. We

build bridges in Africa, Burmah, China, and wherever work of that kind is needed, and our rails bear the commerce of the world. The result is that in 1905 there were 857,298 wage-earners in the iron and steel industry, earning yearly $482,357,503 in wages, and producing iron and steel worth $2,176,739,726, according to the Census Bureau. And the average yearly wage per man has increased from about $400, in 1880, to $560, in 1905, or 40 per cent. The wages of the iron and steel workers for one year will more than pay the total cost, when ready for sea, of all the vessels of the new Navy built, under construction, or authorized from 1883 up to the present time, and one-half of the value of the iron products for a single year will pay the cost of the entire naval establishment for the last quarter of a century. That the encouragement given to this industry by the construction of the new Navy has had a very potent influence in bringing about this surprising result can not be doubted. The money expended on our war vessels, therefore, has been anything but an economic loss, judged by a single trade alone.

EVERY INDUSTRY BENEFITED.

But there is not an industry in the land, in all probability, which has not felt the stimulus afforded by the construction of our new war ships. The coal industry is very greatly benefited, as may well be imagined when it is remembered that every one of our naval vessels burns coal. The brass industry, the copper industry, the electrical industry, and aluminum industry, the food canners and meat packers, the clothing manufacturers, and all the industries which contribute to these different departments of employment of labor, all benefit from the steady demand of the United States for their products. The farmer feels it in the case of the products of his fields. Even the cornstalks, which were formerly waste matter, are now sold to manufacture backing for the armor of battle ships. And whereas there were only eight firms that could bid for the first naval vessels constructed, there are now thirteen great plants fully capable of turning out the largest and most complicated ship of war that can be designed, employing tens of thousands of skilled laborers, who find constant employment in shaping the most wonderful of human productions. The great shipyards of San Francisco, Seattle, Newport News, Philadelphia, New York, Bath, Me., and Quincy, Mass., owe their development to the Government work given them. And our navy-

yards have been developed with our Navy, so that now they are in a state of high efficiency, and some of them, like the yards at New York and Mare Island, have been supplied with machinery and all facilities for naval construction. And these yards, which in 1883 employed less than 5,000 men, now furnish work at good wages to nearly 20,000, and all are under civil service, which has supplanted the spoils system, which formerly made our navy-yards simple retreats for political camp followers.

THE NAVY AN EDUCATIONAL STIMULUS.

Educationally, too, the new Navy has been a stimulus in the line of technical, designing, engineering, and mechanical training, and has been no small factor in the success of our technical schools, which are increasing in number and efficiency. We are thus turning out young men of highest technical skill and training, who in turn will use their energy in industrial fields and add still more to the national prosperity. The high standard set by the United States for the material and supplies which go to build and maintain the new Navy, has caused manufacturers to design machines to produce the highest class of work at the least expense, and the result is that not only are we now making such machines for European nations, but our product is so superior and so cheap that we find a market wherever steel products are in demand. And the standard set for food, clothing, and other supplies sets a higher standard for all domestic articles of the same class than would otherwise have been demanded. These high standards fixed by the United States on account of its Navy have promoted and improved our national products at large. As ex-Secretary of the Navy Long truly says:

> They all necessitate and encourage the industrial training of our people, and are in line with that education which is now recognized as the most important education—the education of the hand and brain in the useful arts of life.

Since such are some of the benefits to the people at large from the construction of vessels of war, it can hardly be successfully maintained that this expenditure, large as it may be, is a waste of money, particularly for a nation one year's wages of whose iron and steel workers are sufficient to build a modern navy which has raised the United States from insignificant rank as a sea power to one which is second only to Great Britain. The wages of a second year of our workers in steel and iron would give us a navy equal to that of the mistress of the seas.

The new Navy had no chance to show of what material it was made until the Spanish war. Even if there had been an opportunity for action, up to that time we had not fighting vessels enough to make a decent showing on the sea in case of trouble. But just before the breaking out of hostilities we had completed and got ready for commission a little fleet of five battle ships, two armored cruisers, a few protected cruisers, and other vessels for lighter duties than fighting, so that when we were called upon to fight we had some good instruments used in the trade of war. The first act in the tragedy was the blowing up of the *Maine* in the harbor of Habana, and it was in this disaster that the spirit of the Navy was exemplified in the conduct of Captain Sigsbee and his men, and there was shown the temper of the sailors who trod the decks of American men-of-war. Coolness, self-restraint, and bravery of the highest quality were manifest. Then came the brilliant feat of arms of Commodore Dewey in Manila, where were exhibited the sound judgment, dash, enterprise, contempt of danger, and invincible determination which have characterized the American Navy at all periods in its history. And not alone in action were these qualities exhibited in Manila Bay. A supreme test was made after destruction of the Spanish fleet, when Dewey held the city in his grasp for long weeks, until the arrival of the Army, in the face of what was the almost hostile demonstrations of the German fleet, that clearly attempted to browbeat the American and wrest from him the fruit of his victory. No greater work during the war was done than was performed by Dewey while his ships were at anchor holding possession of Manila Bay and the hostile city, which he was unable to occupy by reason of his lack of men to land against the Spanish army. That he was able to gain this great though bloodless victory was due not only to his own indomitable courage, resource, and firmness, but to the fact, which the foreign navies soon recognized, that every man on the vessels under the American flag was actuated by the same fighting spirit as was their commander.

On the Cuban coast during the war there were numerous instances showing that the Navy had no exceptions in point of courage, daring, and self-sacrifice. The long blockade of Cervera's fleet displayed the qualities of steadfastness and determination, as the battle in which it was destroyed showed examples of bravery. The exploit of Commander Wainright in sinking the

two Spanish torpedo boats with a converted yacht was the most striking incident of that affair, but was recognized as showing the spirit and temper of the whole fleet. The sinking of the *Merrimac* by Hobson and his gallant crew of volunteers in the harbor's entrance was another instance of daring which many other events of the war showed to be characteristic of the Navy. The unprecedented voyage of the *Oregon* from San Francisco to Key West, by way of the Straits of Magellan, steaming 14,000 miles in sixty-eight days, was another vivid flash of light on the character of the officers and men who sailed under the American flag.

Mr. SCOTT. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

THE MEN OF THE NAVY UNDER FIRE.

Mr. SCOTT. In reference to the *Oregon*, I should like to ask what was the condition of that vessel after her run of the number of thousands of miles stated, and what was the reply of her captain when he was asked if she was ready for battle?

Mr. PERKINS. In two hours' time he was ready to enter the engagement, and did gallant service there.

The war with Spain brought out the other side of humanity. I have in mind, passing before me like a panorama which has filled us all with patriotism and sympathy, Commodore Jack Phillips's observation when his crew were firing upon the other ships. He said: "Don't shoot, boys; don't you see that the poor fellows are dying!" The enemy's ship was ashore. It shows that after victory came to him his heart went out in sympathy to those whom he had sent ashore in distress.

And after the destruction of the Spanish cruisers the work of rescue of the survivors brought into play the courage and daring of the American sailors in as emphatic a manner as was afforded by battle. To the Navy, too, belongs the honor of having made the first permanent landing in Cuba, for a battalion of marines under Lieutenant-Colonel Huntington occupied Guantanamo in face of the enemy and retained possession after several days of sharp fighting, and thus secured a safe station for coaling and repairing the fleet. The entire series of operations of the fleets during the Spanish war afforded numberless proofs that the new Navy had maintained the glorious standard of the old, and that the American flag covered no braver or more competent seamen in the world.

The history of operations in Samoa and in China during the Boxer outbreak only strengthens the high opinion which our Navy

has deservedly secured among the nations of the globe. In Samoa our marines and blue jackets fought side by side with English sailors and earned their hearty praise. At Tientsin, Captain, now Admiral, B. H. McCalla, with American marines and blue jackets, was the first foreign force to land to aid the foreign settlement, and he and his little detachment were the first to enter Peking. In the subsequent expedition of the foreign troops to the Chinese capital, it was the American sailors and marines who cleared the road when the force was compelled to retreat, showing an appetite and aptitude for fighting that elicited praise from every foreign observer. And in the defense of the legations in Peking, it was to the little band of American marines that was intrusted the defense of the wall, and well and heroically did they do their duty. No harder fighting was done during the siege than was done by the men from the American ships of war, and no armed force from any foreign nation exhibited greater courage, steadfastness, bravery, and devotion than did the American marines and blue jackets during those trying days.

You will remember it was only during the last session of Congress, I think, that Germany presented to Admiral McCalla a sword and other trophies in appreciation of his heroic deeds in defense of the German legation at Peking during that siege.

Our new Navy has been tried and has not been found wanting. It is the same Navy which answered the call of John Paul Jones, of Decatur, of Preble, of Porter, and of Farragut, and has proved itself capable of as daring deeds of valor and of as great heroism as have been manifested by the old Navy in times of stress. The old Navy was the strong arm which inspired fear and respect in foreign antagonists. The new Navy will worthily perpetuate the reputation of the old, and while the American flag floats over a keel our country will know that its interests will be protected and its dignity maintained.

THE AMERICAN FLEET IN THE PACIFIC.

As the fleet of Admiral Evans steams up the west coast of the Americas the men behind the guns will be constantly reminded of notable acts of daring, courage, and enterprise. Pizarro in Peru, Balboa at the Isthmus of Darien, Cortes in Mexico, and along its coast the names of his famous lieutenants will call to mind stirring deeds. At Magdalena Bay, where the big guns will be fired for the first time on the Pacific, they will see the land to which the great conqueror of Mexico gave the name California, which was later made to cover the entire region between the Sierra and the

sea. At San Diego they will hear of the brave and earnest father Junipero Serra, the advance guard of Christian civilization, who founded there the first of the twenty-one missions that linked the fertile region of Alta California to Spain. Monterey will recall the Spanish count whose expedition to that coast in 1602 gave to the bay its name. Sir Francis Drake also sailed along those shores and gave his name, too, to a bay farther up the coast. And the attempt of the Russians, coming down from the north, to take possession of the rich country reaching to the snowy mountains will be brought to mind by the remains of the old fort built by them near the mouth of what to this day is known as Russian River.

But at Monterey there will be recalled an incident in which was shown the same spirit which has actuated our Navy from the time our first vessel of war touched the water with her keel. California was Mexican territory, though held by the Mexican Government by a precarious tenure. England had long before, as had France, cast covetous eyes upon her rich valleys, and for some years previous to 1846 the former power had kept on the Pacific coast a fleet ready to pounce upon the fair land at the first chance that would offer her an excuse to take possession. The United States also had in view the acquisition of that part of the continent which would round out our territory, and we had at the time on the Pacific coast a small squadron. June 7, 1846, Commodore John D. Sloat lay in the harbor of Mazatlan with the U. S. S. *Savannah*, and at San Blas, only 82 miles farther from Monterey, lay Admiral Sir John Seymour with the British line-of-battle ship *Collingwood*. Both were waiting for the opening of hostilities between Mexico and the United States to sail northward and take possession of the coveted country. By special message from Mexico Commodore Sloat received news that the Mexican forces had invaded Texas, and at once hoisted anchor and on the same day was on his way to plant the American flag on California soil. The British admiral sailed on a similar errand the next day, but Sloat beat the Englishman up the coast by two weeks, arriving July 2, while Seymour did not arrive until July 16.

TAKING POSSESSION OF CALIFORNIA.

In the meanwhile Commodore Sloat had taken possession of the country in the name of the United States, and had raised our flag at Monterey July 7, 1846. When the *Collingwood* sailed into Monterey Bay she was anchored within a pistol shot of the

Savannah, which had been joined by the *Congress* and sloops of war *Levant* and *Cyane*. The American vessels had their crews at quarters, and all that was needed was to run out the guns in case the British admiral designed trouble. But none came, for Seymour, though reluctant to acknowledge it, was forced to see that the American flag indeed floated over the town of Monterey, and, boarding the *Savannah*, grimly made his compliments to the American commodore amid scarcely concealed preparations for action.

"You seem to be about to give your men some practice in the art of gunnery," he said.

"I did not know," said Sloat, pointing to the American flag waving over the town, "but that it would take some practice to keep it there."

"But tell me, Commodore," said Admiral Seymour, "what would you have done had you found the flag of some other nation floating there, and that flag guarded by a ship of the line?"

"I should," replied Commodore Sloat, "have at least fired one shot at it, and perhaps have gone to the bottom, and left my Government to settle the matter as it thought best."

This was the spirit of the old Navy, whose commodore, in his general order before taking possession of the fairest part of our territory, said:

> We are about to land on the territory of Mexico, with whom the United States is at war; to strike their flag and hoist our own in place of it is our duty. It is not only our duty to take California, but to preserve it afterwards as a part of the United States at all hazards.

That is the spirit of the new Navy also, as was demonstrated by Dewey at Manila. Admiral Evans's men will find their high ideals of duty, courage, and patriotism already long established by brave deeds on the greatest ocean of the globe.

AN ANSWER TO CRITICISMS OF OUR WAR SHIPS.

I ask unanimous consent to publish in the Record as an appendix to my remarks the article which I submit, taken from the Scientific American. I do this for the reason that this is a reply to some of the adverse criticisms on our Navy that have appeared from time to time in some of the magazines of the country.

The VICE-PRESIDENT. The Senator from California asks that the article submitted by him be printed as an appendix to his remarks. Is there objection? The Chair hears none.

APPENDIX.

[Scientific American, New York, Saturday, January 18, 1908.]

The Reuterdahl attack on our Navy.

I.—WHO DESIGNED OUR NAVY?—WAS THE SEAGOING OFFICER IGNORED?

The present reply to the recent attack on the ships of our Navy and the men who design them is, it is needless to say, in no sense inspired. It is written purely in the interests of truth, being based upon facts with which we have long been familiar, and most of which have appeared in earlier issues of the Scientific American; and it is devoid, of course, of any personal feeling. When Mr. Reuterdahl states that he is highly appreciative of the American Navy, we believe him—and this in spite of the fact that, if all he alleges be true, the ships of that Navy, under certain battle conditions, would be unable to fire their guns, and must promptly be sent to the bottom. Moreover, we are prepared to admit that some of the points in this article, and particularly those dealing with the bureau system and the scant encouragement shown to the American inventor, are well taken. But having made this reservation, we do not hesitate to say that, from first to last, the article is so full of technical errors regarding the ships themselves—errors which range from slight variations from the facts up to absolute misstatements—that, for anyone who has an intimate knowledge of the material and methods of the Navy, it carries its own direct refutation. But, unfortunately, of the thousands of American citizens who may have read this article not one in ten thousand, probably, has any such knowledge of the facts; and hence it follows that no end of people who have always taken a patriotic and very proper pride in our Navy must necessarily find their faith rudely shaken. Unfortunately, there have not been wanting certain officers of the line who have lent themselves freely to the questioning of the newspaper reporter, and have so far indorsed the general trend of the article as to convey the impression that the whole of it is true; and this in spite of the fact that they must know perfectly well that much of it is a gross exaggeration

In the first place, then, let it be clearly understood that the present controversy is as old as the Navy itself, and that many of the criticisms now made public have been urged over and over again, carefully debated, and action taken upon them in the secret—and very properly secret—deliberations of the Navy Department. It is the bold publication of the whole matter in an article whose inspiration seems to bear strong internal evidence of being semiofficial that has brought the subject so prominently and suddenly to the wide attention of the public. It is not our intention to enter, in the present issue, into any detailed refutation of the many misstatements made by Mr. Reuterdahl regarding the material—i. e., ships, guns, armor, etc.—of our Navy. This matter we shall take up in a succeeding article. What we wish to do here is to clear the ground and put our readers in a position for judging the question more intelligently, by showing how it has become possible that there should be such an apparently wide divergence of opinion between the men who design our ships and the men who command and fight them. And let it be noted here, very carefully, that we speak of an *apparent* divergence of opinion, for we shall show that, so far from the seagoing officers having nothing whatever to say about what

kind of vessels shall be built, they have been in the actual majority on the many boards that have determined the characteristics of our ships, *and on some questions have outvoted the constructors at the ratio of ten to one.* The Navy Department has been scrupulously careful to give them every opportunity to express their views and, indeed, has been in the habit of sending out official letters inviting the most frank discussion and the freest offering of any suggestions.

The designing of battle ships and cruisers is without doubt one of the most complicated and difficult tasks in the world—so rapidly do new ideas become old, so swiftly do novel and revolutionary methods become popular. And the naval constructor would be more than human if, in the midst of these ever-changing standards and ideals, he should always succeed in building a ship that embodies only those elements which are bound to remain permanent in the years to come. At his best he is but human. He is no seer or prophet. At times he is bound to make mistakes; a fact which, as the official records show, he is perfectly willing to admit.

One serious fault and crying injustice in the whole of this discussion is the fact that the impression has been conveyed, and purposely conveyed, that the work of determining the characteristics of our war ships is exclusively confined to the Bureau of Construction and Repair; that this Bureau is a kind of "close corporation," extremely jealous of its prerogatives and slow to accept any suggestions from the outside, and that it is peculiarly marked by that narrow range of outlook which is supposed to distinguish the purely technical, the "office" man, from the "practical" outside man. Now, the merits of this question are necessarily of a nature which can be determined only by reference to the official records of the Navy Department, in which, fortunately for this discussion, is to be found a full history of the deliberations which preceded the final choice of plans for the ships of our modern Navy.

Who is it, then, that is responsible for the design of our war ships, and what share, if any, had the seagoing officers in determining the characteristics of the ships which a certain clique among them now so freely condemn? There is a provision of the Navy Regulations by which the "general supervision over the designing, constructing, and equipping of new vessels for the Navy" is delegated to what is known as the "Board on Construction," which is composed of the chiefs of the four Bureaus of Equipment, Ordnance, Construction and Repair, and Steam Engineering, with an additional officer of the seagoing branch. The chiefs of the first two named Bureaus are seagoing officers, and these two, with the additional officer above named, serve to place the seagoing element, as compared with the Construction Corps, in the proportion on this board of three to one. That does not look as though the constructive branch had any arbitrary control over the design of ships or that seagoing officers were without adequate representation. Moreover, on the 1st of July, 1907, there were thirty-four seagoing officers serving as assistants in the Bureau of Ordnance and Equipment, and on duty under the Bureau of Ordnance at the Washington Navy-Yard. These thirty-four officers are thoroughly representative of the seagoing branch of the naval service and are in close and constant touch with the chiefs of their respective Bureaus, and advantage is taken of their wide practical knowledge in matters affecting the preparation of new designs. By this arrangement the Board on Construction has the advantage of suggestions born of the practical knowledge of the seagoing officers upon such features as magazine arrangements, ammunition stowage, coaling arrangements, and the location and method of installation of all mechanisms coming under the cognizance of the Bureau concerned.

Clear proof of the important part played by the seagoing officer in determining the military features of our ships will now be given in connection with the battle ships which have been designed since the Spanish war; and just here it will be well to draw attention to the fact that at the close of the war and at the request of the Bureau of Construction and Repair a special order was issued by the Secretary of the Navy to commanding officers of vessels requesting that those who served during the war

make reports as to the operation of their ships, specifying both the good points and the bad points and suggesting any improvements which might be desirable. An analysis of the numerous reports submitted indicates that in the opinion of the seagoing officers of that period such defects as existed were not of a serious character. The criticism was the result of the experience, under war conditions, of seventy-five officers; and they were so favorable as to lead the Chief of the Bureau of Construction to state in his next annual report that *with regard to the strength, stability, seaworthiness, and maneuvering powers of the vessels of the various classes, the war experience tended to confirm the favorable opinions previously arrived at and to demonstrate the general success of the designs.*

At the close of the war the three battle ships of the *Illinois* class were in course of construction, and, encouraged by the results of the war as indorsing the general system of construction, the plans of the new *Maine* class provided for vessels of the same general character as the *Illinois* but with more speed and greater displacement. Thus it will be seen that as far as the military features of the six battle ships of the *Illinois* and *Maine* classes are concerned, *they were substantially indorsed by the specific reports of seventy-five officers who saw active service during the war, and that they were worked out by a board the majority of whose members were seagoing officers.*

The Scientific American holds no brief for the Board on Construction, and we bring these facts before the public simply to correct the absolutely false impression that the determination of the leading features of our war ships is restricted to a single bureau, and that it does not embody the rich and valuable experience of the seagoing officers of the line.

Following the *Maine* came the five ships of the *Virginia* class, whose otherwise admirable qualities are marred by the fact that they carry the double-deck turret—one of the most unfortunate mistakes ever committed in any navy. The double-deck turret was nothing new in our service. It was the design of a young ordnance officer which was enthusiastically taken up by the seagoing officers of the line and, because of its *theoretical* advantages, became extremely popular. *It is on record in the files of the Navy Department that the naval constructors to a man bitterly opposed the introduction of this type of mounting, and it was installed upon the Kentucky and Kearsarge against their strong protest.* They opposed the turret on several grounds, among which were the following: That there was a lack of independent action of the 8-inch guns; that four guns of two different calibers on one single mounting would deliver a less volume and a less accurate fire than if the two types were separately mounted; that the great concentration of weight at the ends of the vessel and the enormous weight on the roller path were objectionable; that the efficiency of four important guns was dependent upon one controlling apparatus, and that the error of one gun pointer enters into four guns.

Unfortunately, after a bitter fight to keep it out of these five splendid ships, the influence of the seagoing officers was successful in incorporating the double turret. In the first plan for the *Virginia* class, the majority of the Board on Construction proposed an armament of four 12-inch guns in two turrets and eight 8-inch guns in four turrets, mounted amidships; but one seagoing member of the board dissented from the majority report, and recommended that four of the 8-inch guns be superposed upon the 12-inch turrets. This opened up the old controversy of the *Kearsarge* period, and in order to have the subject well thrashed out, the Navy Department made an addition to the original Board on Construction of eight additional seagoing line officers, thus forming a special board for the purpose. This board approved by a majority report the use of the superposed turret. Later, another special board was convened, consisting of the Board on Construction with the addition of two rear-admirals and five captains; and, as a final result, ten out of the twelve members signed a majority report in favor of installing the superposed turret in the *Virginia* class. One rear-admiral and the naval constructor signed a minority report. *In*

these two boards the ratio of seagoing officers to naval constructors was, respectively, ten to one and eleven to one, so that the superposed turret must ever be looked upon as the special protégé of the seagoing officer.

The superposed turret, moreover, came very near being emplaced upon the *Connecticut* and the *Louisiana;* a minority report of the board which decided on their plans advocating an armament of four 8-inch guns superposed on the 12-inch turrets, and four 8-inch guns in broadside turrets. The final designs for these ships, from which the superposed turret was excluded, were adopted only after an extended discussion, in which the question of the battery arrangement alone was made the subject of report or suggestion by upward of eighty naval officers.

The designs for the following three ships, *Vermont, Kansas,* and *Minnesota,* are practically identical with those of the *Connecticut,* some slight changes being made in the distribution of the armor.

The faults of the two battle ships *Idaho* and *Mississippi* are directly chargeable to the mischievous custom of Congress, by which it specifies the limits of displacement of the ships which it authorizes. This was put at the ridiculously low figure for a modern battle ship of 13,000 tons, and on this limited displacement the board was requested to design, forsooth, "two first-class battle ships carrying the heaviest armor and the most powerful ordnance of vessels of their class." Under the circumstances something had to be sacrificed. Four of the five members of the Board on Construction, including two of the three seagoing members, recommended a vessel with battery arrangement similar to that of the *Connecticut,* but carrying four less 7-inch guns, with a lower free board aft, and having one knot less speed, submerged torpedo tubes being also omitted. The Navy Department, before approving this report, invited an expression of opinion from nine officers of large experience in the Navy, which was duly offered. In submitting its final report the Board on Construction stated that the designs of these 13,000-ton ships did not "represent its opinion of what first-class battle ships should be, nor what the United States Navy should have."

The naval appropriation act of March 9, 1905, authorized the construction of two 16,000-ton battle ships, and the final plans of these vessels, which are now known as the *South Carolina* and *Michigan,* embodied the all-big-gun idea. These ships were the first to embody an arrangement of turrets which, although it was subjected to much criticism at the time of its first publication, seems now likely to become the standard practice throughout the navies of the world. We refer to the method of mounting the eight 12-inch guns in four center-line turrets, so as to allow all of the guns to fire upon either broadside. This arrangement, like that of the emplacement of eight 8-inch guns in four turrets arranged quadrilaterally, as in the *Oregon,* originated in the Bureau of Construction, and it bids fair to be a permanent feature in future battle ships. The excellence of the design of these ships is beginning to meet with the approval which it merits; and we give the following quotation from a well-known *foreign* paper, which is devoted exclusively to naval matters: "Few, if any, ships are likely to be built in the future which can not use all guns on either broadside. This may be taken as certain. America, in the *South Carolina,* led the way in this direction, and the ship of the future is bound to be some improved variation of her. * * * *There is some good reason to believe that, taking all things into consideration, the South Carolina type is the best all-big-gun ship yet in hand.*"

The plans of the 20,000-ton battle ships *Delaware* and *North Dakota* were unanimously approved by the Board of Construction, the majority of whose members are, as we have seen, seagoing officers. They were subsequently referred to and approved by a special board, the majority of whose members were seagoing officers, and finally were indorsed by special act of Congress.

It will be evident from the foregoing review of the *facts* regarding the responsibility for the design of our war ships, as recorded in the files of the Navy Department, that

the ships of our Navy represent the accumulated experience and critical judgment, not merely of one bureau of the Department, but of the very pick and flower of the personnel of the Navy. Having fully established this fact, we shall, in our succeeding issue, take up seriatim the charges made by Mr. Reuterdahl against the material of the Navy, and we shall show that though, in one or two cases, the charges are to the point, they are, as a general rule, grossly in error.

[Scientific American, Saturday, January 25, 1908.]

The Reuterdahl attack on our Navy.

II. ARE OUR SHIPS INFERIOR TO THOSE OF THE LEADING FOREIGN NAVIES?

Replying in our last issue to the charge that the supposed faults in the war ships of the United States Navy are due to the fact that the designing of these ships is confined to a particular board and certain bureaus, and that the seagoing officer has little to say about the matter, we proved conclusively that, so far from his being ignored, the seagoing officer has been in the majority on the various boards which have determined the leading characteristics of our vessels. We showed that our ships, and particularly those built since the Spanish war, embody the ripe experience of the ablest men in the various branches of the naval service. Yet we are asked by Mr. Reuterdahl, in McClure's, to believe that "the ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima;" that the guns, mounted at low elevation, protrude from yawning gun ports, into which volumes of water will pour in a seaway, and through which shells will enter and burst, killing the gun crews, cutting the ammunition hoists to pieces, and blowing up the magazines; that the whole of the thick armor belt is generally below the water line, and that shells would blow in the thinly-armored sides above the submerged belts; that our ships are without torpedoes and torpedo tubes, and without suitable guns to fight off the enemy's destroyers, and so forth and so on—the upshot of it all being that our Navy is in no condition to go to war, and therefore, we suppose, must be considered as of practically no consequence at all. In the present article we will take these charges *seriatim*, and show that, generally speaking, they are either gross exaggerations, or have no basis whatever of fact.

It has long been recognized among naval experts that all criticisms and comparisons of ships, if they are to have any value, must be referred to some common standard, comparison being made only between ships of the same date and the same displacement, and all questions of draft, free-board, height of guns, etc., being referred to some common water line. The broad underlying fallacy which vitiates not merely Mr. Reuterdahl's article, but the whole of the campaign of criticism of the past few months is that this essential principle has been largely ignored.

1. Submerged armor belts.—Mr. Reuterdahl states that "of all our battle ships not one shows the main armor belt 6 inches above the water when fully equipped and ready for sea." As a matter of fact, our ships, if we include those now building, show from 18 inches to 11 feet 6 inches of thick armor above the water line when fully equipped. Because the water line of a ship must change with the amount of load she has on board, it is necessary to have some fixed datum to which her displacement, draft, free-board, etc., may be referred. This datum in our own and the British navy is known as the mean or normal water line. It is the level at which our ships float when they have about two-thirds of their ammunition and stores and about 800 or 900 tons of coal aboard; and it is at this draft that the ship is required to make her specified speed during the Government trials. Thus, in the case of the *Vermont*, whose designed normal or mean draft is 24 feet 6 inches, the top of the armor belt at this draft is 4 feet 3 inches above the water line, and in this condition she is carrying two-thirds of the full supply of ammunition and stores, and displaces 16,000 tons. At the designed full-load displacement she displaces 1,650 tons more. It takes 63.14 tons to sink the *Vermont* 1 inch deeper in the water, and hence the addition of 1,650

tons will add 26 inches to her draft. Hence, at full-load draft the top of the belt would be still 25 inches above the water. Similarly, the *Maine* increases her draft from normal to full-load displacement by 20 inches, leaving 22 inches of the main belt above the water at full load. In preparing for a cruise like that to the Pacific, however, a large amount of extra material is taken aboard, and the last pound of coal is crowded into the bunkers. One of the battle ships now on the Pacific cruise, in addition to spare propeller blades, anchors, etc., carries an extra crank shaft for her engine. But even with this added load the ship in question showed her belt above the water line.

There has been altogether too much wild talk about submerged armor belts, and its absurdity is evident when it is brought to the cold test of facts and figures. A naval officer recently assured the writer that the *Virginia* not long ago started from a navy-yard with the top of her belt 2 feet below the water. Now, in dissecting this statement, we find that at normal load, when the *Virginia* displaces 15,000 tons, this mark is 3 feet above the water; so that, according to our informant, she must have sunk 5 feet, or 60 inches, below her normal draft. It takes 60.95 tons to sink the *Virginia* 1 inch below her normal draft. Therefore, to get her belt 2 feet below the water, she must have taken on board 2,657 tons dead weight, and her displacement must have been 18,657 tons, 700 tons greater than that of the huge British battle ship *Dreadnought*. This is a fair sample of much of the absurd talk that has been indulged in during the past three months on this question of submerged armor belts.

Furthermore, even if the belts were submerged, which they are not, when our ships start out to fight and find the enemy, the consumption of coal, provisions, water, etc., would bring them up several inches a day, and by the time they met the enemy it is probable that they would be floating not much below their normal draft, with several feet of the belt above water.

2. Low freeboard.—Mr. Reuterdahl has much to say about the "lowness" of American ships, and he would have us believe that the forward decks are much lower than those of foreign ships. He says: "*All*" (the italics are ours) "modern battle ships in foreign navies have forward decks about 22 to 28 feet above water." We have no space to consider the various foreign navies in detail, and in this reply we will confine ourselves to the acknowledged leader of them all, the British navy. What are the facts? With one single exception, the *Dreadnought*, there is not a British battle ship in commission with a forward deck 28 feet above the water, all the other modern battle ships being, like our own, three-decker ships—that is, having a berth deck, gun deck, and main or upper deck above the protective deck; and the height between decks being about the same for all ships, viz., from 7 feet 6 inches to 8 feet, it follows that the height above normal water line is approximately the same. As a matter of fact, on several of our ships the height between decks is greater than on the British ships and the freeboard is correspondingly greater. The two photographs herewith shown of the *King Edward* and the *Vermont*, selected because the ships are of about the same date of design, show the *Vermont* to have actually a foot more freeboard on the same normal flotation line. The "draft marks" (figures painted on the side) on the *King Edward* clearly indicate the position of the normal water line for her known normal draft of 26 feet 9 inches.

3. "Broadside guns useless in a seaway."—The question of freeboard is intimately associated with that of the height of guns above water. Though we have not at hand the figures of freeboard of the British ships, the low elevation of broadside batteries on certain crack British ships as compared with our own proves conclusively that their freeboard must generally be considerably lower, and not, as Mr. Reuterdahl states, considerably higher, than that of our ships of the same date. Therefore, all his pictorial description of the trouble our turrets and broadsides would encounter

when steaming in a seaway may be relegated to that land of fiction to which so much of this article belongs.

Not only would "one-third of our guns" not be "useless in a seaway," but the muzzles of the guns would be clear of the water when the eight battle ships of the *King Edward* class and the two battle ships *Swiftsure* and *Triumph*, to say nothing of the four armored cruisers of the *Drake* class, would be rolling theirs under.

We have always been a great admirer of Mr. Reuterdahl's marine pictures; and one of the chief elements of their charm, for the writer at least, in their freedom of treatment. The trouble with the present article is that the artist has carried this freedom of treatment into a field from which it should have been most rigidly excluded. The statement that "broadside guns of foreign battle ships and cruisers are, generally speaking, twice as high as ours, and many of them three times as high," would be startling indeed if it were true. As a matter of fact, our broadside guns are as high as the similar broadside guns in the German and Japanese navies, and, as we have seen, are from 2 to 4½ feet higher than those in some of the finest modern battle ships and cruisers of the British navy.

The question of giving ships a lofty freeboard is not as simple as Mr. Reuterdahl seems to think. To add a forecastle deck, raising the freeboard from 20 to 28 feet, means the addition of an enormous weight, and, on a given displacement, involves heavy sacrifices, either in guns, armor, speed, or coal supply. Grave questions of stability are also encountered. We hear much in this controversy about the high freeboard of the French ships. As a matter of fact, there are two schools of designs: The French, favoring lofty freeboard, and the British, American, Japanese, and to a less extent the German, favoring a 20-foot freeboard. The British, of whom Mr. Reuterdahl mistakenly gives the impression that they have several 28-foot freeboard ships, were content with 20 feet until the great length of the *Dreadnought* compelled the addition of a forecastle deck to give her good sea-riding qualities. All this talk about flooded turrets and broadside guns useless in a seaway is no more, and not as much, applicable to our own Navy as it is to the others of the same school. The battle of Tshushima was fought by Japanese ships of the same freeboard as our own and in weather that was described in Admiral Togo's report as "rough." But we have yet to hear that the Japanese broadside guns were "useless in a seaway;" and our broadside guns are as high, if not higher, than theirs.

4. Poor protection for gun crews.—Mr. Reuterdahl's imagination never leads him so far away from the facts as when he comes to speak of the poor protection for gun crews due to overlarge gun ports and the poor subdivision of the broadside batteries. The story of the "enormous" turret ports of the *Kearsarge* and *Kentucky*, and the pathetic incident of the "painted wooden canvas screens" has been retailed to the public *ad nauseam*. As a matter of fact, these turret ports are large only in comparison with the naturally smaller ports which appear in turrets using an inclined face of the character shown on our front page engraving. The *Kentucky* and *Kearsarge* are pretty old ships, as things go nowadays; for their designs were prepared some thirteen years ago. The turret ports were no larger than the necessities of the type of gun mount used at that period demanded. The fronts of the turrets of the *Alabama* class, which followed the *Kearsarge*, are inclined, and the ports are proportionately smaller. It is an abuse of the ethics of fair criticism to keep ringing the changes on the supposed poor design of this out-of-date ship, without making any reference to the fact that in all of our later ships the ports have closed in on the guns until the protection is ample. Mr. Reuterdahl is so fascinated with these "yawning gun ports" that apparently he sees double, if not quadruple; for he tells us that "the openings above and below the guns in the turrets of these ships are 10 feet square!" Were this indeed the case, there would be not one square foot of the port plate left, and the Empire State Express could drive bodily into the turret without let or hindrance. Well might "the service journal, the Navy," say that "these ships are not fit for service in battle line against a really

modern vessel." In his search for further proof of poor protection for our gun crews, Mr. Reuterdahl goes back to ships that were authorized from twelve to seventeen years ago, and speaks of the broadside guns which "stand glowering from unprotected or badly protected openings as wide as double doors;" but he omits to state that most foreign ships of the same date used the same wide ports, and that many of them, notably in the British navy, mounted their guns in the open with nothing but shield protection. So also he states, by implication, that there is no attempt at isolation of the separate broadside guns from shell fire on eleven of our battle ships, upon which, as a matter of fact, special screen protection has been carefully provided.

5. The open shaft to the magazine.—That Mr. Reuterdahl's criticisms of the open shaft, or well, leading down from the turret guns to the handling room below is well made, is proved by the fact that what is known as the "interrupted hoist," with a floor cutting off the upper from the lower part of this shaft, is being installed on our latest ships. It is only fair, however, to bear in mind the considerations which led to the adoption of the present type of hoist. In the first place, at the period when it was designed, our ordnance officers were anxious to avoid a very serious defect which existed in many foreign ships, and noticeably the British, namely, that the loading could be done only in one position. That is to say, if a ship were firing on the broadside, her turret guns would have to be swung back to the axial position for loading to bring the breech in line with the loading tray and rammer, an arrangement which entailed a great loss of time and a slow rate of fire. Our officers designed a hoist which rotated with the gun and its carriage, and brought the ammunition direct from the handling room to the breech, no matter on what point of bearing the gun was laid. This, of course, necessitated an opening direct down to the handling room. In its later form the hoist was given a high speed of 600 or 700 feet a minute, and it is believed to give a more rapid service and enable a faster rate of fire to be obtained than is possible with the big guns of other navies. The hoist gave great satisfaction, and no complaints were heard until the introduction of smokeless powder developed the danger of "flarebacks." To meet this difficulty the Ordnance Bureau provided gas ejectors for blowing the combustible gases out of the gun before the breech was opened, and stringent regulations were laid down to prevent crowding of ammunition up to the gun in the effort to obtain rapidity of fire at target practice.

Later, an intersecting floor of steel was placed at the mid-height of the turret shaft, with an automatic shutter, which lifted as the charge passed through and then fell by its own gravity, shutting off the handling room from the turret. With a view to shutting off the ammunition room from the handling room floor below the turret, the doors of the ammunition room are provided with circular hinged shutters, and the instructions are that these shutters shall be closed except when a charge is passed through them. Now, it is well known in the Navy that, in the zeal to secure good target records, these safety devices have, at times, been rendered inoperative; and it is a fact that much of the loss of life in the target-practice accidents of recent years would have been avoided had the safety devices been fully utilized, and the instructions for safeguarding the powder been strictly followed. There is one feature in which the hoisting gear of our turrets is subjected to unjust comparison with that of foreign battle ships. The impression may be gathered from Mr. Reuterdahl's description that every foreign battle ship has an independent ammunition hoist, with track, ammunition cars, and cable complete in itself. This is not the case. There is but a single cable, and the auxiliary gear consists of a hand-operated crankshaft geared to the motor shaft, which drives the one cable. Should the motor be short-circuited or otherwise injured, the driving shaft can be hand-operated, but, of course, at only a slow speed. If a shell fragment should cut this cable on a foreign ship, the whole hoist would be immediately put out of business and the turret would be just as completely disabled as our own.

6. Lack of torpedoes and destroyers.—We are entirely in agreement with Mr. Reuterdahl in his belief that our weakness in torpedo-boat destroyers is a distinct menace to the efficiency of the Navy. Congress should make liberal appropriations for ships of this type, which should be of not less than 750 tons displacement and 30 to 32 knots speed. Such boats should be of sufficient strength and freeboard to enable them to cruise with the fleet in any weather. But Mr. Reuterdahl is in error when he considers that the lack of submerged torpedoes in the ships of the Pacific Fleet is a serious matter. Expert opinion on this question has been "seesawing" for several years, according as the speed and range of the torpedo, or the range and deadliness of armor-piercing gun fire, have been in the ascendency. In 1903 the General Board, speaking on this question, said: "The range, speed, and accuracy of torpedoes have so greatly increased within the last year or two that at the present time the torpedo may be considered a weapon of offense to be seriously reckoned with up to 3,000 yards, and even more. Since gun fire, in order to result in a decisive action, must be delivered at a range not greatly exceeding 3,000 yards, it follows that the tactics of fleet actions will hereafter be influenced by the presence or absence of torpedoes." Since that opinion was given the battle range has increased from 3,000 to 8,000 or even 10,000 yards, as witness the remarkable shooting up to 9,000 yards made by our own *Connecticut* during the past summer. At such ranges the torpedo becomes an incumbrance, and the space occupied by the submerged torpedo room may much better be given up to coal or stowage.

In concluding this answer to the criticisms of Mr. Reuterdahl's article, and to the general campaign of criticism by which it was preceded, we wish to state that the Scientific American has based its statements upon facts which are either of its own knowledge or gathered from public Government documents. We believe that after a careful consideration of the facts as here presented the general American public will agree with us that our Navy stands second to none in the general efficiency of its ships.

There is one feature, however, in which our ships are superior, and often greatly superior, ton for ton, to the ships of other navies. We refer to the exceptionally heavy armament which they carry. Since the days of the Revolutionary war it has been our aim to mount upon our ships heavier batteries than were carried by foreign ships of corresponding size, and to this policy very largely have been due most brilliant victories, particularly where single ships were engaged. That policy has been steadily followed in the creation of our new Navy, whose birth may be dated from the year 1883. Although Congress has persisted in the most unreasonable practice of stating what the displacement of the ships shall be, the Department has succeeded in equaling the foreign ships in speed, protection, and coal supply, and at the same time has greatly outmatched them in the weight of the armament.

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21.

AMERICAN SHIPS.

ADDRESS

OF

GEORGE C. PERKINS,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

February 15, 1901,

ON THE BILL PROVIDING A SUBSIDY FOR SHIPS UNDER THE AMERICAN FLAG ENGAGED IN THE FOREIGN TRADE OF THE UNITED STATES.

WASHINGTON.
1901.

ADDRESS

OF

GEORGE C. PERKINS,

OF CALIFORNIA,

IN THE SENATE OF THE UNITED STATES,

Friday, February 15, 1901.

The Senate having under consideration the bill (S. 727) providing a subsidy for ships under the American flag engaged in the foreign trade.

Mr. PERKINS said:

Mr. PRESIDENT: Inasmuch as my name has been mentioned in connection with this bill as one of the members of the original committee, which was selected by the chairman of the Senate Committee on Commerce, of shipowners, shipbuilders, representative ship men, and those engaged in maritime affairs, it is proper, perhaps, that I should briefly give my views in relation to the subject-matter under consideration, and also that I should give an account of what part, if any, I may have taken in the formulation and construction of the bill now before the Senate.

I want, first, to make my acknowledgments and to return my thanks for the honor that the chairman of the Committee on Commerce conferred on me in making me a member of that committee.

The Senator from Arkansas made some criticism of the fact that there had not been selected as a member of that committee any representative of the great agricultural region west of the Missouri River. Mr. President, we have a great empire stretching out where the Pacific Ocean washes the western shore of our hemisphere and sings the sunset song of our nation, and while perhaps my selection as a member of that committee might be a reflection upon the otherwise good judgment of its chairman, I nevertheless represent a State that has great agricultural interests. I have compared them, for my information, with the products of Arkansas.

CALIFORNIA AS AN AGRICULTURAL STATE.

My friend, the Senator from Arkansas, forgets perhaps that I am peculiarly qualified in one sense of the word to treat upon agriculture. For many years of my life I was engaged in plowing the ocean. I have harrowed up the feelings of many of my friends, and the harvest has not been altogether one of tares. Look at the great State of California, with its great agricultural, viticultural, and horticultural interests which I have the honor to in part represent on the floor of this Senate. To those who are not familiar with them, it seems almost paralyzing when you think of what we have accomplished in the few short years of our statehood, when nobody thought the State was capable of producing anything in the agricultural or horticultural line. The cereals alone produced in California in 1900 were valued at $48,288,684. Fruits, vegetables, and beet sugar, in round numbers, amounted to 77,000,000, or nearly twice the great cotton crop of the State of Arkansas.

The value of our live stock is $17,000,000. The value, in round numbers, of vessels documented in that State is $31,000,000, while there was more than $10,000,000 invested in vessels that are documented in New York, that State being so liberal that it charges no taxes upon vessels that are documented or registered in the custom-house of that State. We also produce in California $17,000,000 per annum of gold and silver. The lumber output of our State last year amounted to $12,000,000.

Value of products of California in 1900.

Cereals	$48,288,684
Fruits, vegetables, etc	76,143,942
Live stock	46,156,942
Vessels documented in California	30,325,560
Steamships and other vessels registered in New York, because no taxes on vessels in that State (estimated value)	10,000,000
Annual production:	
Gold and copper	17,000,000
Lumber, etc	12,000,000
Total	239,915,128

Therefore it seems to me California is more interested in the building up of the shipping industry of our country than any other State in the Union, for we are dependent altogether upon finding a market for our cereals by sailing ships or tramp steamers around Cape Horn or via the Cape of Good Hope.

COMBINATION OF CARRIERS.

The combination of English shipowners was such that last November when I left San Francisco there was an advance of rates of freight ranging from 44 to 50 shillings per ton, a price of from ten to twelve and a half dollars a ton, while the ordinary freight charged by the ordinary merchant shipowner for transportation from San Francisco to Liverpool would be from $5 to $7 a ton. But our British friends, like the Yankees, never hesitate to take advantage of the trade, and they charge all the traffic will bear, and have no hesitancy in making the Yankees pay toll. Therefore any plan that would revive American shipping, it seems to me, is in the general interest of the country, and it would be the policy of wise statesmanship to try to foster and build up the merchant marine.

I desire to say parenthetically that while I have been interested all my life either in operating vessels upon the ocean, in their ownership, or in superintending or directing their affairs, at the present time I do not own one dollar in any ship or in any company that owns ships or steam vessels or any other kind of vessels affected directly or indirectly by the passage or the defeat of this bill. The only object I have, and the only object every other Senator on the floor, I believe, has, is to do that which is for the general welfare and the general prosperity and the general advancement of our people.

As I was stating, I met with that committee in New York on two occasions. We generally discussed the plan of reviving American shipping, placing it where it was once before. When I was a sailor boy in the ports of Liverpool, Havre, Hamburg, and other European ports, it is fair to say, and no exaggeration, that eight out of every ten ships engaged in the foreign trade had at their mastheads the Stars and Stripes. Look at the contrast to-day, which I will briefly show by referring to the reports of our consuls, and it makes us blush when we see what a change has come over the maritime interests of the country.

Mr. CAFFERY. With the permission of the Senator, I desire to ask him a question for information.

Mr. PERKINS. Certainly.

THE COMMITTEE AND THE BILL.

Mr. CAFFERY. The Senator states that last year he met this committee and discussed with the committee the matter of upbuilding the American merchant marine. I should like to know from the Senator whether or not it was the unofficial committee of twenty-five?

Mr. PERKINS. It was the unofficial committee. No plan was formulated. We simply discussed the plan of discriminating duties in favor of American ships, of discriminating tonnage in favor of American ships, of paying an export bounty, and also the question of a bounty upon vessels carrying American cargo. No general plan was agreed to.

Mr. CLAY. Will the Senator from California permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. CLAY. I understand the distinguished Senator who now has the floor, with two other Senators and two Representatives, was a member of the committee to draft the bill which we are now considering, and that those Senators and Representatives cooperated with twenty-five private citizens selected for the purpose of drafting this measure. I desire to ask the Senator whether or not, as a member of that committee and a member of the Senate, he gave attention to the details of this bill, and whether or not the committee met and discussed with him the features of the bill which we now have under consideration?

Mr. PERKINS. I am very glad to say, and I was about to say, that I knew nothing whatever about the general details of the bill. I met only twice with the committee, when a subcommittee was appointed and a distinguished constitutional lawyer and a former member of this body was employed to draft a bill. I did not see that bill until it was presented to the Senate before the Committee on Commerce, and I was present at the hearing. I will come later to the bill we have under discussion, but before doing so I wish generally to speak of the advisability, as I conceive it, the expediency, and the wise policy of doing something to build up American commerce.

INCREASE OF THE MERCHANT MARINE NECESSARY.

The people of the United States are awakening to the necessity of an increase in the merchant marine of our country. The realization that there should be a growth in this direction somewhat in proportion to the growth of other industries has been gradually spreading for the past few years; but recent events have quickened the minds of Americans, and the fact is now made clear that one of the greatest of our needs to-day is an adequate merchant marine. It is not alone on patriotic grounds that this opinion is accepted. The late war demonstrated conclusively how great and how necessary an element of national strength a merchant marine is in time of war. It was demonstrated that the commercial shipping interests form the reserve of the Navy, and it was brought home to everyone that in the contest just closed our naval strength had practically reached its limit, as far as efficient men for our fleets were concerned. But now that this phase of the question has been understood, the other—the economical, the purely business—side has been given equally careful study, and the result is that a demand has arisen which will not

be denied, that something shall be done to put on the ocean a fleet of merchant ships which shall carry our products over the sea, bring back from foreign lands what we need, and expend its vast earnings among our own people, to the great increase of their prosperity.

I do not think that until recently there has been a general and full realization of the weakness of the United States upon the sea, outside of its organized Navy. The aggregate tonnage of American vessels entered and cleared at ports of the United States from and for Europe in 1897 was only 899,081 tons, while foreign vessels aggregated 23,014,093 tons. The share of this trade under the American flag, therefore, was less than 4 per cent. This fact will render it easy to understand why our consuls abroad are compelled to make reports like this from the United States consul at Hamburg, Germany, for the fiscal year ending June 30, 1894:

It seems a very sad commentary to have to make on the shipping of our own country when I reply to the first four interrogatories of the Treasury by saying that during the year in question there was not a single American steamer of any sort or tonnage entered at this port. Nor can I find in the records of this consulate, covering a period of over thirty-five years, a trace of any others, with the exception of the year 1888, when one steamer of about 1,900 gross tons happened in. Not only have none of our steamers participated in the carrying trade of this port for years, but of sailing vessels bearing our flag there were, during the year ending June 30, 1894, but two, during 1893, 1892, and 1891, two each, and during 1890, none.

OUR FLAG HARDLY KNOWN IN FOREIGN PORTS.

During the same year, out of 23,339 vessels entering the ports of Great Britain only 78 were American. At German ports a few years before, of 15,875 vessels arriving there were so few American that they were classed among the scattering. At Italian ports in 1893 only 37 vessels were American out of 12,774 entries. During the fiscal year ending June 30, 1894, the only American merchantmen entering the port of Liverpool, other than 2 steamships, were 16 grain vessels. In 1898 only 4 American vessels entered this port and only 3 cleared. In 1896, out of 84,294 entries and clearances at German ports the American flag did not appear often enough to be specially mentioned.

When in 1854 I was in the Birkenhead docks, opposite Liverpool, there were over 23 large American ships in those docks waiting for cargoes.

Mr. BACON. Will the Senator from California kindly permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. BACON. I venture to do so because the Senator, by reason of his experience as a practical sailor in the days when the merchant marine of this country was in its supremacy, may be able to give information that no other Senators here can. We have heard, if the Senator will pardon the statement, in order that he may understand the question fully, a great deal said about the conditions which have caused this difference between the prosperity of the merchant marine of this country and of the countries of Europe; and aside from the question of differences in the cost of construction, statements have been made as to the difference in the cost of operation as furnishing one of the reasons why there should be the supremacy of the one and the inferiority of the other.

The question I desire to ask the honorable Senator is this: In the days he speaks of, in 1854, when he was himself a practical seaman, what was the condition in that regard? Was it true then, as it is alleged to be true now, that the wages of American seamen were higher than the wages of seamen of other nationali-

ties; and was it also true then, as it is now, that the provisions and other matters of comfort for the sailors were superior in American ships to what they were in the ships of other nationalities?

WAGES AND FARE OF AMERICAN SAILORS.

Mr. PERKINS. I think there is no question but that the fare upon American ships is far superior to that upon any foreign ships. It was not until Plimsoll became a member of the House of Commons that the great reformation in the English merchant service took place. Prior to that time the treatment and the fare on American vessels were very much better. The wages are in a great measure controlled by the port from which the vessel sails. Sailors sometimes ship for the round voyage, but when they arrive in a foreign port, if the wages are better there, they usually desert.

I remember I was on a ship loading deals—that is, large timber, sawed timber—that sailed from St. Johns, New Brunswick, for the port of Dublin. Sailors were very scarce. It was a trip of perhaps only three weeks in a sailing vessel, four weeks at the most, and each received fourteen to fifteen pounds for the single trip across. It was because of the scarcity of seamen; and so it is to-day, in all ports. It is like every other business. It is regulated by the supply and demand. Still, I think on American vessels wages were much less then than they are now. There were then no steam vessels, as the Senator is aware, except one line plying across the Atlantic. Yet all sought to go on American vessels at higher rate of wages and better fare than they could get in English or other foreign vessels.

Mr. BACON. If the Senator will pardon me, in order that I may distinctly understand him, because I consider it an extremely important question in view of the positions taken here—I understand the Senator, then, from his personal experience and practical knowledge, to state that the relative differences in those days between the wages of seamen and the things which are provided for seamen, and the cost of them, were possibly the same as they are now.

Mr. PERKINS. They were so far as relates to sailing vessels.

Mr. BACON. I am referring to sailing vessels. There were no others.

Mr. PERKINS. Of course, since that time there has been a transition from wooden vessels to iron vessels, and from iron to steel sailing vessels, and from steel sailing vessels to steamships.

Mr. BACON. If the Senator will pardon me, as he has made that suggestion, I wish to ask him a question. Is there any such difference between the requirements in the sailing vessel and the steam vessel as would make those relative differences other than they formerly were?

Mr. PERKINS. No; I think not.

Mr. BACON. In other words, if the difference in the amount of wages has increased, and if the fare has improved, there would be just as much difference and improvement in the case of steam vessels as there would be in sailing vessels and no other. That is to say, the relative differences would be the same.

CAUSE OF THE DECADENCE OF AMERICAN SHIPPING.

Mr. PERKINS. I think one of the great causes of the decadence of American shipping, when part was driven off the sea by reason of the presence of Confederate cruisers or when the shipowners placed their ships under other flags, was because the

opportunity to invest in our American railroads and other great internal improvements offered a much better inducement for capital than to place it in floating property. To my mind, there is nothing more hazardous, although I followed the sea for many years, than navigating a vessel in foggy weather. The best seamanship, the most skilled seaman, the master mariner, is absolutely powerless when these dense fogs hover over us.

INSURANCE COMPANIES CAUTIOUS.

So no prudent insurance company will take a risk for more than 60 per cent of the value of the vessel, and the owner must carry the remainder of the risk. With the great opportunities for making fortunes that have been presented in this country, men like Vanderbilt went out of the steamship business and put their money into railroads, and the Government gave them great subsidies, and gave them other concessions, and paid for the transportation of the mails, which has made the colossal princes of today, the great railroad magnates. That is one reason, I think, why people have not sought to invest in shipping. But a change is coming, and in the past two years, as I will show later on, there has been a great revival in the building up of American shipping, and our people are turning their attention to this industry and are making investments. In England it is a common thing for each of thirty people to own an interest in a vessel. There is one managing owner, and his clerks and the factory men, and others who have saved up a hundred pounds or more, will take an interest in the vessel. Then it is sent off on voyages, and during the past few years they have had very handsome returns upon their investment.

United States Consul Heenan, at Odessa, in a recent report says that during the thirteen years he has lived in the city he has never on a single occasion seen an American ship in the Odessa Harbor, and yet during the year 1897 the official returns show that 1,192 steamers and 34 sailing vessels, having an aggregate tonnage of 1,761,339 registered tons, entered this harbor. Of these, 663 steamers, having a registered tonnage of 1,050,028 tons, were British.

For six months of 1896, 1 bark and 1 schooner represented the extent of American navigation at Marseilles. Two barks and 2 steamships represented American navigation at Antwerp for an entire year. Twenty-two ships and barks were all that carried the American flag into Shanghai during nine months, and only 6 American ships, in addition to the Pacific Mail steamers, entered the maritime centers of Japan during the same period. During the half year ending June 30, 1898, out of 1,792 ships, aggregating 4,842,478 tons, passing through the Suez Canal, only 4, aggregating 1,531 tons, bore the American flag. Far-off Japan, just awakened from a sleep of centuries, beat the wide-awake American, sending through the canal 17 ships, aggregating 63,206 tons. Even China, which is yet fast asleep, did nearly as well as we, for she sent through 1 ship of 1,463 tons.

OUR STANDING INJURED BY ABSENCE OF OUR FLAG FROM THE SEA.

So much for the American marine upon the ocean. Is it to be wondered at that the far-off lands, which are the great markets of the world, know little or nothing of us beyond that hazy idea that we are a considerable body of people engaged in the strange business of governing ourselves? Is it any wonder that it required a war to awaken these peoples to the fact that we are really a world nation, like Great Britain, France, Germany, Scandinavia, and Russia, whose flags fly in every port, and who bring to bear their influence as great powers through the energy with which they

push their trade in all great commercial centers? A representative of the United States in South America recently wrote to me as follows:

> The Spanish war has had the effect to add greatly to the prestige of the United States in these countries. I do not think that a very large proportion of even the more intelligent were disposed to classify our Government among the great powers in the broader and truer sense until it was demonstrated by the almost pitiable contrast between the belligerents, as shown in every event of consequence in the war.

Is it probable that this would have been said had we been made known to these peoples through our merchant marine, as Great Britain, Germany, and France have been made known? And if we had been better known would not our commerce with these countries have been greater? On this point the Hon. John A. Kasson, special commissioner plenipotentiary, in writing concerning the pending trade convention with Ecuador, says:

> Our competitive strength in their markets, as compared with Chile, is much affected by the want of a regular line of coast steamers from San Francisco to the southern ports of South America.

The guns of Dewey in Manila harbor awakened the whole Eastern Asiatic seaboard to a realization of the fact that America is something more than a name, a realization which they were beginning to have when we once had a merchant marine worthy of our nation, but which faded away as our flag sank below the horizon. What this awakening means in a commercial sense, if we have the courage to take advantage of our opportunities, is clearly shown by the astute German, who expects us to enter the field of commerce with as much energy as that with which we prosecuted a successful war, and who—no one better—knows that we must seek success in the same way which has brought so remarkable success to him.

The clear-headed German knows that freighting is an industry, like beet-sugar making, and that to get the benefit which is derived from it, its profits must be reaped by him and spent at home. So he treats freightage as a German product and aids it, and has added thereby vastly to the Empire's stores of wealth and to the prosperity and happiness of its people.

GOOD DEMOCRATIC DOCTRINE.

It will appear almost incredible to most of the younger portion of this generation, who have heard nothing but condemnation of a policy of Government aid to shipping, that the United States in truth once had and carried out this policy. It was Thomas Jefferson who, as Secretary of State, in 1791, gave the sound reason for such a policy in the following words:

> Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life or material for manufacture or convenient subjects of revenue, and we take in exchange either manufactures, when they have received the last finish of art and industry, or more luxuries. Such customers may reasonably expect welcome and friendly treatment at every market—customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it. * * *
>
> Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves exclusively any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be dis-

armed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce.

The carriage of our own commodities, if once established in another channel, can not be resumed at the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance; and as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to our circumstances.

The great father of the Democratic party, therefore, clearly saw the need of giving aid to American ships in times like that which is now upon us, and should his followers to-day accept the far-sighted and patriotic view of that great statesman there will be but one opinion in Congress as to the duty to be performed.

EFFECT OF OUR FLAG ON TRADE.

How can Americans expect their trade to grow as does that of the English and Germans, who carry the influence of their respective nationalities wherever they place their goods on sale, when such reports come from our consuls as this from A. Burlingame Johnson, at Amoy, regarding our trade with China:

The bulk of the trade passes through Hongkong, an English colony, where the cargoes are landed and reexported to Chinese ports, and the goods are classed as English goods and are so regarded by the merchants and cosumers. This is particularly true of United States canned goods, bacon, hams, oat flake, etc.

Mr. BACON. Mr. President, I desire to say that I am extremely interested in the speech of the learned Senator. It is one which I think should be heard by the Senate, and there are so very few present they doubtless do not know that the Senator is speaking. I therefore suggest the absence of a quorum, in order that they may be called into the Senate to hear him.

Mr. PERKINS. I hope the Senator may count and find that we have a quorum present. It is all right so far as the few remarks I have to make are concerned.

Mr. SPOONER. But the Senator from Georgia has announced that we have not a quorum present.

Mr. BACON. Absent Senators do not know that the Senator from California is speaking. They may think that an opponent of the bill is speaking, and consequently they are not present.

The PRESIDING OFFICER (Mr. TURLEY in the chair). The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cockrell,	Kyle,	Platt, Conn.
Allison,	Deboe,	McComas,	Scott,
Bacon,	Dillingham,	McEnery,	Sewell,
Bard,	Elkins,	McLaurin,	Shoup,
Bate,	Fairbanks,	McMillan,	Simon,
Burrows,	Foraker,	Mallory,	Spooner,
Butler,	Foster,	Martin,	Teller,
Caffery,	Frye,	Morgan,	Tillman,
Chandler,	Gallinger,	Nelson,	Turley,
Chilton,	Hansbrough,	Penrose,	Warren,
Clark,	Jones, Ark.	Perkins,	Wetmore.
Clay,	Jones, Nev.	Pettus,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. The Senator from California will proceed.

Mr. PERKINS. Mr. President, can the sale of American goods as English tend to increase the general demand for American products? Will American influence in the world's markets long last if our goods are at the absolute mercy of those who are inter-

ested in selling imitations of American products? And all through China German imitations of American goods are now on sale. With a merchant marine actively engaged in trade between our own shores and those of Asia, with a constant outflow of American influence in foreign ports, as was the case in the days when the American flag was known in all parts of the globe, there whould be behind the goods landed on Asiatic shores an influence which would rapidly widen the market for them, which would make them known as American, and which would increase their sale, as the sale of German goods is promoted by the active commercial methods of the Germans, who are pushing themselves into new regions through their merchant marine. With American ships constantly visiting Asiatic ports, is it likely that Consul Fowler, at Chefoo, would have reported to the State Department in 1897 that he "was surprised last winter to find that no one here knew what rubber shoes were, yet the ground was covered with snow?"

HOW TO OPEN AND KEEP FOREIGN MARKETS.

Were we as liberal and farsighted as the German is in the matter of our merchant marine, there would soon be reestablished in the United States a great industry for which the United States was once distinguished the world over. The tens of millions of dollars in freight money yearly expended in America instead of abroad, as now, would find its way into American enterprises. still further adding to the national prosperity. The opening of new markets through American influence would increase the demand for the products of the American workman's labor, and American energy being once enlisted, these markets would continue to be ours through the aid of our American ships.

It is well to understand that a foreign market for our products is fast becoming a pressing necessity. In many branches of manufacture we produce more than we can consume at home, and unless a market can be found for all that our workmen can make the workmen's wages must suffer. In the manufacture of cotton goods, for instance, there is constant danger of overproduction, and too often, in spite of every precaution, there is produced more cloth than can be profitably sold in existing markets. Then follows a shut-down or a reduction of wages. A strike may follow either, with all its attendant evils, not only to the workman but to the community in which he lives.

This phase of the question is also thoroughly understood by the German, as appears in the following from United States Vice-Consul Attilio Piatti, at Nice. He says:

> The United States finds itself much in the same position occupied by Germany some years ago. The reorganization of that country, following upon the war of 1870, was marked by a period of unexampled activity in the arts of manufacture. Production increased to a fabulous degree, and it was soon impressed upon the German mind that a large export trade is, after all, the principal safeguard of a solid financial system, besides furnishing a valuable reserve to national industry in case of panic and in periods of commercial depression at home. Following up the realization of this purpose with admirable skill and undaunted perseverence, in which every department of the Government joined, that country has succeeded in obtaining results of which heretofore Great Britain alone has been able to boast. There are numerous indications that the time has come when the United States has about reached the maximum of internal development, and will be forced to seek outlets for its surplus products, the result of industries second to none in the world. This movement, coming from all parts of our country, has never been so apparent as at present.

And Frederick Emory, Chief of the Bureau of Foreign Commerce, Department of State, reports as follows, under date of April 25, 1898:

> It is frequently asserted of particular industries in the United States that

the output of factories working at full capacity is much greater than the domestic market can possibly consume, and it seems to be conceded that every year we shall be confronted with an increasing surplus of manufactured goods for sale in foreign markets if American operatives and artisans are to be kept employed the year round. The enlargement of foreign consumption of the products of our mills and workshops has, therefore, become a serious problem of statesmanship, as well as of commerce, and this fact is evidenced in the steps being taken to negotiate reciprocal agreements with various nations.

IMPORTANCE OF IMMEDIATE ACTION.

It would be a wise policy for the United States to accept this view of the situation while there is yet time to enter the struggle for the oriental markets, before we are overwhelmed by the advantages which Germany and other European countries are now endeavoring to secure, and are, indeed, securing; and the first step which that policy should compel us to take is the rehabilitation of our merchant marine. This is the step which our competitors have first taken, and the results justify their action. If we take it now, we shall enter the field with advantages over our antagonists which we may lose by delay, for at present American products have a high reputation in the Asiatic markets, which may be lost through neglect to push our trade by the same methods used by others. And, in view of the recent troubles in China and the part taken by the United States in settling the questions arising from them, it is of the utmost importance that we place ourselves in a position to take advantage of the prestige which, I think, we are likely to gain among the Chinese on account of the position we have assumed toward them. With their good opinion of us combined with the appearance of our flag on merchant vessels, there should at once be established a large trade in American products, which trade should grow to proportions commensurate with the immense population of that Empire.

With American ships to maintain that prestige secured by Dewey, and to strengthen and extend it throughout Eastern Asia, there would commence, I believe, an industrial development in the United States which would be more surprising than even that which we have now attained. The manufacturers of textile and other goods in New England; the makers of machines and machinery in the Middle States; the producers of copper, lead, iron, and steel in the great Northwestern States, Pennsylvania, Alabama, Ohio, and Illinois; the builders of ships along the entire Pacific, Atlantic, and Gulf coasts; the producers of food stuffs in the whole Mississippi and Missouri Valleys; the growers of cotton in the South; the raisers of wheat and fruits, the producers of wine and sugar, the raisers of live stock, and the manufacturers of lumber from the vast forests of the Pacific coast—all would feel the vivifying influence of the extension of Asiatic markets. Increased demand giving rise to increased production, every interest within our broad land would feel the effects of expanding trade.

WE SHOULD CONTROL OUR FOREIGN COMMERCE.

How that can best be expanded has been proved conclusively by England and Germany, and we should not refuse to employ the same method. Our foreign trade should be taken from the control of our industrial competitors and restored to an American merchant marine, which can again, as it once has done, carry it to the uttermost parts of the earth and maintain it with all the energy and strength which have always characterized the American sailor. And the American sailor will once again be a potent factor in American life. With American ships there will again be awakened that love of the sea and of adventure which our once great fleets excited in the minds of the boys and young men who

lived along the coasts where our ships were built and felt the influence of our intercourse with strange peoples. Again there will be a considerable portion of our population gaining their living on the sea and there imbibing the strength, energy, and fearlessness which made our Navy victorious over that of England. Again will there be a reserve of American sailors to man our vessels of war in time of trouble and make possible a Navy that will be invincible upon the seas.

IMMEDIATE ACTION ADVISABLE.

But time is an element in the problem which is now of supreme importance. By delay the chances which we now have will be lost; the markets will be captured and controlled by our rivals, as they are shown by our consuls to be controlled to-day. Therefore we should pass at once a bill framed on lines which will enable us to at once begin to increase and strengthen our merchant fleet. Discriminating duties on imports and discriminating tonnage taxes on foreign shipping to force shippers to employ American ships in their trade with the United States are open to the fatal objection that they would be in violation of treaties, which would have to be revised, necessitating a long delay before we could begin to enjoy their benefits, and in the meanwhile our present advantages would be lost.

A repeal of the registry laws, thus admitting foreign-built vessels to American registry, would not cure the disadvantage of increased cost of operation under which we labor. This increased cost of operation and the increased cost of construction are the two disadvantages which have long prevented the growth of the American merchant fleet, and it is these two drawbacks which Government aid must offset by a subsidy. And it appears to me that there can be less objection to this subsidy if we consider it in connection with the Pacific railroad lines, which have received such liberal aid from the Government in lands donated and interest paid on their bonds. We should be simply following the precedent then set, and which action by the Government has been invaluable in developing the vast territory west of the Mississippi River. But from the railroads thus aided the Government has recently received $125,000,000, part of which was interest on the loans and the rest the principal. It seems to me that this sum could be put to no better use than in encouraging the ocean carrying trade.

THE EFFECT OF A SUBSIDY.

One of the arguments made against a subsidy is that it will take from the pockets of merchants, farmers, and laborers millions of dollars per year and pay it over to shipowners as a sort of bounty on the ocean-carrying business. But I would call to your attention the point that this payment would not be all loss to the farmers and merchants nor all gain to the shipowners. And it is exactly in this that a great part of the merit of a subsidy properly distributed exists.

The increase in the number of ocean carriers which such a bill will cause can result only in a keener competition for the carrying business, and the tendency of rates must therefore be downward. The only influence which would tend to raise ocean rates would be an increase in the volume of products carried, but this in turn would stimulate more shipbuilding, so that ocean rates would again fall. The constant tendency, as long as foreign ships have the right to carry cargoes to and from this country, will always be to approximate the rate of ocean freights to that sum which is found profitable for those ships which are built for least money and are sailed the cheapest.

In no way can a subsidy to an American vessel enable it to charge more than the market price of freights in the port whence the goods are shipped. It may enable such vessel to charge less in order to get a cargo and earn the subsidy, which it can not have unless it makes the voyage. To charge more would be to virtually annihilate the capital invested in it. It is not only acknowledged but asserted by some opponents of this bill that subsidies to German and French vessels enable them to charge a less rate for ocean freight, and thus benefit the American farmer. Surely if a subsidy has this effect in the case of German and French ships, it would not have the opposite effect in the case of American vessels. As long as our ports are open to foreign ships the fear that they would be driven away by American competition and ocean rates be raised by a combination of American shipowners will not be realized. There can be no monopoly of ocean carrying except through reduction of freight rates.

On the seas there is no single track or exclusive right of way; the road is open for vessels of every nation of the world. Thus, opponents of this bill contradict themselves when they acknowledge that competition for freights in foreign ports will reduce rates, and yet assert that the same competition in American ports will raise them. If, as they say, American ships will be compelled to underbid foreign ships in foreign ports in order to get business, it is very clear that they must do exactly the same thing in domestic ports if they wish to secure and retain the business here. That a reduction of ocean freight rates would result from American competition and would be of decided benefit to the American producer is absolutely proved in several cases which have recently been reported to the State Department by our consuls abroad.

COMPETITION REDUCES RATES OF FREIGHT.

W. Stanley Hollis, United States consul at Lourenço Marquez, Africa, in a report to the State Department in 1899, writes:

Since the date of my last report the competing line of steamships from New York to this coast has been taken off, the managers, Messrs. Henry W. Peabody & Co., having come to an agreement with the old regular lines, which now have the entire field to themselves. As a consequence, freight rates have been advanced, to the detriment of American trade. These freight steamers generally arrive here in about fifty or sixty days from the time that they sail from New York.

The United States consul-general at Constantinople writes as follows concerning trade with Asia Minor:

In February last Barber & Co., of New York, were induced to undertake a direct line from the United States to Constantinople, Smyrna, Salonica, and other Levantine ports, and this line has since been maintained with reasonable regularity. * * *

The almost immediate effect of this direct service was a reduction in through freights of from 25 to 33 per cent and a surprising increase in the introduction of American products. Nearly 100,000 bags of American flour and large quantities of iron and other goods have already been brought to this port alone. The imports of the single item of American flour at Constantinople alone since the Barber line was started are more than double the value of all the imports from the United States to European and Asiatic Turkey during the year 1897-98, and yet it can fairly be assumed that only a beginning in American business has been made. * * *

There is only one feature of the efforts to extend American business in this region which is not entirely satisfactory. The Cunard, Leyland, and other steamship companies, which have enjoyed a monopoly of the freight business between the Levant and the United States, and do not see any reason why it should not be their perpetual heritage, are putting forth every effort to crush the Barber direct line.

It may as well be understood that, if this direct line is driven out of business, freights will go back to their former figure; competition with European manufacturers will be impossible, and the present opportunity of opening these markets to any considerable quantity or variety of American goods will be at an end. The Barber Line is making a plucky fight.

The lines above referred to were established with ships carrying a foreign flag, which fact rendered the aid given to American trade the least possible; but it is evident from the report that that aid has been great. If the subsidy bill were in effect, these lines would have been under the American flag and would have received sufficient encouragement to have removed all danger of yielding to foreign competition. Surely in these cases it will be acknowledged that a subsidy would have been for the interest of American trade as well as for the benefit of the American shipowner.

HOW TRADE IS INCREASED.

Decrease in freight rates and increase of trade are the effects of direct competing lines between this country and foreign ports, and that such will be the effect elsewhere is made evident from further reports of consuls.

D. Mayer, United States consul at Buenos Ayres, writes:

According to statistics just published there is a trade worth $113,080,000 a year going on between the United States and the east coast of South America. If the time on the steamers between New York and Buenos Ayres could be reduced from a month to seventeen days, business would be materially aided. The lines between New York and Buenos Ayres are all English, and they are so slow that it takes thirty days to make the actual voyage, and they are so far apart that replies from cable orders are uncertain. There is a steamer from Europe to Buenos Ayres almost every day in the month, and one can leave Buenos Ayres for Europe nearly every day. The steamships which go to Europe are much finer than those which go to the United States; so much better, indeed, that passengers to New York often go there by the way of Liverpool or Southampton rather than direct. The fare is not much more and the time not much longer, although the distance via Liverpool is greater by more than 3,000 miles.

The outlook for prosperity in the future can be considered hopeful and promising, and when steamship lines are once established between the United States and Buenos Ayres under the American flag, so that rates of freight will be fair, it will give all needed commercial facilities between this port and the United States, and a large increase in trade and traffic will follow.

It will once more be observed that during the year 1898, as has been the case in many previous years, the flag of the United States does not figure in the tables of arrivals and departures of steamers.

No merchant or passenger steamer bearing the ensign of our country ever appears in Argentine waters. The steamers which come to this port from the United States are not regularly engaged in the trade, but are "ocean tramps," chartered to bring cargoes of kerosene to the River Plata, and, as a rule, return from here to Liverpool, whence they make their returns to Buenos Ayres. Thus they are of no possible assistance to American shippers seeking a market for their merchandise in the River Plata.

W. H. Furniss, United States consul at Bahia, Brazil, reports:

No new lines for foreign trade have been established, and there is still great need for an American line with modern boats and passenger accommodation. At present this district is dependent for communication with the United States upon one line, with slow, antiquated boats, having no certain time of arrival and departure. This might answer if they were exclusively cargo boats, but as they attempt to carry passengers and the United States mail, they subject the passengers, our merchants, and local buyers to undue annoyances. As a result, the greater part of the passengers prefer to pay more and go by way of Europe, and as Europe is from five to seven days nearer and there are sometimes two and three mails a week each way, leaving and arriving with certainty, against two steamers per month to and from the States, the European merchants have a decided advantage over our dealers. Then the freight rates to and from the States are much greater than those to and from Europe. Though our merchants can often quote a lower price free on board, their goods become the dearer before they reach the buyer.

As an example of the last-mentioned fact, one of our manufacturers quoted a most favorable price for wrought-iron bars delivered on board, but because of the heavy freight charges the importer here paid the European firm higher prices and then saved money.

Perry M. De Leon, United States consul at Guayaquil, Ecuador, gives among other means of increasing American trade with that country subsidies to steamers, and writes that no steamer flying the American flag has been in that harbor since 1897.

Albert W. Swalm, United States consul at Montevideo, reports:

When the shipping accommodations from the United States are as good as from European countries and are freed from trusts, when our commerce receives the consideration that is given that of other lands, conditions will be more favorable for the American manufacturer. As long as foreign bottoms, controlled by foreign stockholders, fix the rate for the American merchant, he will be at a disadvantage. Italians, Germans, French, English, and Spaniards maintain from one to two regular lines of freight and passenger ships, with a speed of from 12 to 16 knots per hour.

NEED OF AMERICAN SHIPS.

W. B. Dickey, United States consul at Callao, Peru, writes:

Our people at home can, by examining the tables I give above [omitted here], showing the arrivals and departure of merchant vessels at Callao during the years 1897 and 1898, see the moderate share we have in the way of shipping to these countries, and also observe that all our trade is carried in foreign bottoms. * * *

That our trade can be largely increased with Peru and other South and Central American republics is beyond doubt, but the only way to do this, as I have already recommended, is to establish a fast line of steamers between the west coast of the United States and the west coast of Central and South America. Reduced rates, quick transportation, and more extensive credits is what will give us, if not all, at least the lion's share of the trade of this coast.

Ernest L. Harris, United States consular agent at Eibenstock, writes:

Our trade with Russia will admit of a much greater increase. During the fiscal year 1898-99 we sold only $8,500,000 worth of goods to the Russian Empire. A serious handicap in our trade relations with Russia is the lack of proper steamship connections. A line of freight steamers of about 4,000 tons capacity should be established between New York and St. Petersburg. With cheaper transportation rates to Russia there is no question that we could greatly increase our trade with that Empire.

John Fowler, United States consul at Chefoo, China, reports:

While our trade is increasing by strides unparalleled in our history, we are paying an enormous percentage of the profits of the trade to alien flags for carrying our cargoes, and the great nations are making every effort to keep us out of this lucrative field.

During recent years many new lines of steamers have been inaugurated on the Pacific coast, all of them depending for support upon our cargoes. On the other hand, we show a constant and steady diminution of trans-Pacific shipping, when it all should be ours.

With vast commercial interests in the near and far Pacific, the way we depend upon foreigners to transport ourselves, our mails, and cargoes seems almost criminal.

Again I repeat what I wrote a year ago:

"Nothing disgusts me more than the study of the shipping tables of China. Our once preponderating influence is gone, and no one thing has done more to curtail our prestige, influence, and trade than this almost total disappearance of the American flag from the China seas."

Even Korea appears better in the Chefoo tables than we do, for she is credited with eight steamers.

HIGH RATES RESULT FROM THE ABSENCE OF COMPETITION.

Albion W. Tourgee, consul at Bordeaux, states that in recent years freights from the United States have been considerably higher than they should be, principally owing to the fact that there is really no competition except between two French lines.

Daniel E. McGinley, United States consul at Athens, reports that—

What exporters of the United States need most in order to reach the markets of Greece is a direct line of steamships between American and Greek ports.

S. Listoe, United States consul at Rotterdam, reports:

I beg to state that, considering the enormous quantity of American goods imported at Rotterdam, there would, in my opinion, be a good opening for steamship lines flying the American flag. As is shown in the foregoing pages, American ships have for several years taken no part in the large and growing ocean traffic of this important port.

Joseph Bowron, United States consul at Carthagena, Spain, reports that—

> There is no direct line of steamers running from New York and calling at the various Spanish ports. The result is that American goods have to be shipped via England or France, there unloaded and reshipped to this coun try.

Spanish buyers, therefore, do not know when goods are going to arrive.

It would be possible to give much more evidence from observers on the spot of the necessity for direct lines to foreign ports and the effect of their competition upon the volume of American trade, but the quotations given will be, I am sure, sufficient to convince the most skeptical as to that necessity.

It is thus clearly seen that competition by American ships does reduce the cost of ocean freights to American producers, and stimulates exports of agricultural as well as of manufactured products; in fact, that the money paid by producers to shipowners to enable them to compete with foreign carriers is more than returned to them by increased sales, which lead in turn to increased production, the benefits of which are widespread throughout the entire country. This fact is emphasized by the history of railroads in the United States, especially in the Middle West. There, as is known, there is competition between carriers by rail and water. The cheapness of transportation assured by this competition has done more to build up that section of the country than any other influence, and the consequent prosperity of the region has been participated in by the competitors. If through our merchant marine foreign markets for our products can be enlarged, production will be increased, more laboring men will be put at work, more wages will be earned, more domestic food products will be consumed, and therefore the domestic market for the agricultural producer will be enlarged and he will be materially benefited.

MORE MONEY TO BE EXPENDED IN THE UNITED STATES.

Even if an increase in our merchant marine should not increase our exports a dollar, the entire country would be benefited by our increased share in the carrying trade. At present we are paying, approximately, $200,000,000 per year for ocean freightage, of which only $18,000,000 is earned by American vessels and expended in America. The rest of this vast sum is paid to foreign shipowners, and is expended by them in foreign countries to the benefit of foreign industries. If, by encouraging our merchant marine, we could secure one-half of the foreign carrying trade of the United States alone, there would be yearly expended among us $82,000,000 more than at present. This increased expenditure would go toward the support of American farmers, mechanics, laborers, and producers of all that is required for the building and maintenance of ocean carriers. It would go to American engineers, firemen, sailors, etc., and to the producers of all that they consume, whether these producers are in workshops or on farms. It would go to those who make repairs on the great seagoing vessels, to those who furnish their food supplies and other wants, and to those who supply the materials for repairs. In fact, this great sum would be scattered over the entire country in one way or another, thus adding to the general prosperity.

So the building of ships themselves would create for labor a demand whose beneficent influence would be as widely felt. The miner who digs the iron ore from the mountain, the lumberman in the forest, the smelters, the iron rollers, the shipbuilders, all

would get a share, and all would be by so much benefited and their demands on the general production of the country increased. New machine shops, foundries, rolling mills, and shipyards would be built, making further demand for labor, which would mean increased demand for domestic products, including those of the farm. It therefore seems clear to me that a proper subsidy to our merchant marine would be a bounty for the agricultural producer, which is the most effective of any that could be given—an increase in the home demand for his produce. This increase would be permanent, providing the prosperity of our merchant marine were permanent. Once fully established, there can be no doubt as to American ability to maintain a merchant marine as one of the necessary agents for the promotion of industrial and agricultural growth.

OPPOSITE EFFECT OF A BOUNTY ON EXPORTS.

Without provision for the increase of the merchant marine what would be the effect upon the farmer of artificial stimulus of production by, say, an export bounty on agricultural products? Would it be possible for him to reap all the benefits of such a bounty which he expects? I think the effect of such artificial stimulation would be to increase ocean freight rates, which increase would have to be paid by the farmer, and his returns for production thereby diminished.

Suppose, for illustration, that an export bounty bill were passed and its effect were to so stimulate agricultural exports that the amount would be immediately doubled. There would be at once twice the demand for ships to carry such produce, and all business men know what an increased demand for anything on the market is sure to produce. An increase in the price of ocean freights would follow as surely as the sun rises, and would continue above normal figures unless there could be supplied twice the volume of shipping that was before engaged in the business, when rates would fall to the standard set by the vessel most cheaply built and most cheaply sailed.

It is well to call to mind the effect on ocean rates of the recent rush to Alaska. The desire to reach Alaskan ports created a demand for the carriage of passengers and freights which at once carried rates above former figures and increased the price of charters two to three hundred per cent. These advanced prices applied to Victoria, Vancouver, and other British Columbian ports to Alaska, as well as from all ports on the Pacific coast where only American vessels could compete. Freight rates on English ships from San Francisco to Liverpool last November were from 48 to 50 shillings.

Thus it is clear that the tendencies of the two plans are diametrically opposed, as far as the effect on ocean freight rates is concerned. A subsidy tends constantly to reduce them, while the tendency of an export bounty is as constantly to raise them. A great portion, therefore, of the benefit to the farmer of an export bounty would be for a time absorbed by higher ocean freight rates, and would be productive of the very disadvantage to the producer which is erroneously claimed for a subsidy bill, whose real tendency is to give a greater return to the producer of agricultural products by reducing the cost of carrying them to market.

NO DISCRIMINATION AGAINST LOW-POWERED VESSELS.

The distinguished Senator from Georgia in his very able speech set forth as one of his objections to the bill that there was discrimination against the low-powered, slower steamships which

carry the agricultural produce of the country, and therefore virtual discrimination against the farmer. I do not think that this objection can be sustained. The Senator seems to forget that the ships now in the ocean carrying trade are divided into two classes—those that receive Government aid and those that do not. The former class includes all those that are suitable for carrying the mails and which are of such speed as to make them available for war purposes by the governments under whose flag they sail. These vessels are of 14 knots speed or greater, and it is to encourage the construction of ships of this class for the general public purposes indicated that the subsidies are given. In order for the United States to meet this competition and place itself on an equal footing in respect to vessels for the common defense and for the common convenience of all, it must in turn offer a subsidy for speed.

NEW SHIPS BUILT.

This has already been done in the bill of which the distinguished Senator from Maine was the author, and which was approved March 3, 1891. That bill has resulted in a great measure in the building of fast American ships. Within the past year or ten months three splendid ships have been built in the shipyards of Cramp & Sons, in Philadelphia, for the trade between San Francisco and Australia; other ships are being built at Newport News, and others are being built by the Union Iron Works at San Francisco, under the provisions of that bill, the distinguished author of which has always been the friend of the American merchant marine. He has done perhaps as much to foster and build up and protect the merchant marine as any other legislator of this generation. That bill has done the good work which we claimed it would do, and if the present bill had been as wisely framed in the interest of the people as was that bill I believe splendid results would have come from it. But I shall come to that bill later and discuss its provisions.

Ships of lower speed which carry agricultural products are not suited for the purposes named and receive no speed subsidy from any government. In competition, therefore, American ships of this class would be handicapped only by increased cost of construction and by increased cost of sailing, owing to higher wages and better subsistence. This handicap is completely offset by the mileage subsidy provided for in this bill. American ships designed for the trade in agricultural products will have to compete only with foreign ships of the same kind, which receive no subsidy whatever, except from the French Government.

I want to say parenthetically that, as to the French merchant marine, so far as the Pacific coast is concerned, years ago we would not see a ship flying the tricolor of France enter the port of San Francisco once in two months, whilst now not a week passes that a French ship does not enter the port seeking cargo and bringing coal and other products of foreign countries.

NO COMPETITION BETWEEN HIGH AND LOW POWERED SHIPS.

As bulky agricultural produce, cheap in price, can not be shipped profitably at the higher rates of the fast steamers, the low-powered vessels can not in any sense be considered as competing with the high-powered, as each carries a different kind of freight. The speed subsidy of the fast steamers, therefore, can in no way affect the demand for low-powered vessels, and the mileage subsidy given to the latter, which will be sufficient to offset the increase

in cost and operation over foreign vessels, will enable them to successfully compete for the carrying of agricultural produce, and will encourage the construction of such vessels. The increase in the tonnage available for this purpose can not fail, as before pointed out, to result in a reduction of ocean freight rates, and therefore benefit the American farmer and producer of all kinds of cheap and bulky products.

SUBSIDY FOR CARGO SHIPS.

But some of the purely cargo vessels come within the scope of the speed subsidy, and the Senator from Georgia has made comparisons with vessels of higher speed in an effort to show that there is discrimination of the character stated. He takes the cases of the *Manhattan*, a 14-knot ship, and the *St. Paul*, a 21-knot vessel. The former carries agricultural products almost exclusively, and the latter practically none. The former earns $126,426 in subsidy, while the latter earns $304,290, and he therefore claims discrimination and injustice. If the 21-knot ship ran at a speed of only 14 knots, she would of course earn only $126,426, the same as the *Manhattan* They would thus clearly be on an equal footing as far as Government aid is concerned. Part of the payments made is for speed, and speed can be secured only by the consumption of coal, which coal must be handled in order to convert water into steam. Thus the speed subsidy is really a payment for extra coal, the cost of handling it, and interest on the very much greater cost of machinery capable of developing such speed. These items of cost are pretty accurately determined, and can be compared with the subsidy earned.

I have not the figures for an 8,000-ton ship, like the *Manhattan*, but as expenses for these items will be less than for a 10,000-ton ship, to assume that she is of that tonnage would be far from her disadvantage, as her actual expenditures for coal and handling would be actually less than at the tonnage assumed. We have, then, the *Manhattan*, at 14 knots speed, earning $126,426 in subsidy and expending $72,912 for coal and handling the same. She therefore earns $53,508 in excess of the cost of maintaining a 14-knot speed. We will assume that the *St. Paul* runs at the same speed, and earning likewise the same subsidy receives also $53,508 in excess of cost of coal and handling.

Now, suppose the next year the *St. Paul* runs at a 21-knot speed. She will then earn $304,290 in subsidy. At first glance this appears to be unjust. But the increase in the subsidy is simply pay for the increased cost of coal and handling, and interest on more costly machinery. Coal and handling amount to $281,358, leaving her only $22,932 after paying those expense accounts. Clearly, therefore, the *Manhattan*, as far as subsidy is concerned, is better off than the *St. Paul*, for she makes a clear gain of over $30,000 per year over the 21-knotter. The charge of injustice to the cargo boat, therefore, can not be sustained. Indeed, were the earning power of the *St. Paul* through passenger and freight charges not an element, she would be run at only 14-knot speed. It is simply the increase in freight-earning power through the increase in the number of trips at the greater speed that offsets the loss in the subsidy account.

EFFECT OF LOSS OF EARNING POWER THROUGH REDUCTION OF SPEED.

This loss in freight-earning power will, in turn, prevent a ship from running at a greatly lessened speed in order to increase the

margin between the cost of coal and handling and the subsidy received. For instance, it would not be profitable for a 21-knot vessel of 10,000 tons, running between San Francisco and Nagasaki, Japan, to reduce its speed to 16 knots. At the latter speed she would run up a mileage of only 67,200 per year, instead of 88,200. At 16 knots she would earn $76,130 per year on her mileage and $154,560 on her speed, or a total of $230,690, against $157,920 for a vessel rated at 16 knots. At 16 knots she would make $121,826 over cost of coal and handling, instead of $22,932 at 21 knots, a clear gain of $100,000. But at the lower speed the ship would lose two round trips, and therefore the freight money for the same, which, at the estimated earnings of $55 per gross ton at the higher rate of speed, would amount to $137,500.

Therefore the vessel would lose, in subsidy and freight money, $211,100, and would gain only $172,494 in lessened cost of coal and handling, or a net loss of about $39,000. There is apparently, therefore, no inducement for a ship under the provisions of this bill to run at a speed much below that at which she is capable of making in an economical manner. I would say in passing that it is the reserve power, the reserve force of a ship that is not expended which enables her to be economically operated. No vessel that runs up to the full horsepower she is able to develop can do the same work advantageously on a long voyage.

OBJECTION TO THE PROPOSED PLAN OF RATING A VESSEL FOR SPEED.

But it is true that the plan of rating a ship by what she can do on a four hours' trial run is not advisable. It is well known that a new ship, with clean bottom, boilers free from scale, and using picked coals, will, when speeded for a few hours on a trial trip, make greater speed by a knot or two than she will ever afterwards make under ordinary conditions and with foul bottom and boilers and ordinary fuel. Our cruisers and battle ships have shown this to be the fact.

This bill provides that the speed of a vessel shall be ascertained by a four hours' run under these most favorable conditions; and when a vessel goes from a port cleanly painted, when the coal is picked and the boilers are free from incrustation and scale, she will make better speed than she ever will again. It seems to me that this has been demonstrated by our cruisers and battle ships. They have shown fast speed on the trial trips, but they have never equaled it afterwards. It is therefore unavoidable that a vessel fall below her rating as ascertained in this way, and a subsidy based on this rating would be greater than the actual service warranted.

Mr. STEWART. Is there not an exception to that in the case of the *Oregon?* Did she not make better time in the battle of Santiago than she did on her trial trip?

Mr. PERKINS. She did not; and no vessel can ever afterwards repeat what she has accomplished on her trial trip, though the *Oregon* made a most remarkable voyage from San Francisco around the Horn.

Mr. STEWART. But I mean in the battle of Santiago, she exceeded the speed she made on her trial trip.

Mr. PERKINS. For a few hours' run she might have done so.

Mr. STEWART. According to my recollection the speed she made at the battle of Santiago exceeded the speed she made on her trial trip.

AMENDMENT NECESSARY.

Mr. PERKINS. That may be true, but it was only for a few hours. The proper way in a bill of this kind should be, instead of testing the speed of a vessel by a four hours' run, to take the time she has actually made on a voyage or on a trip, as shown by the engineer's log and by the record of the officer on the deck. Would not this be fair and just? Why should we scale that vessel during the next fifteen years when this subsidy is to be given her by a trial test made on a four hours' run?

I think this provision in the bill, therefore, should unquestionably be amended. The men on the *Oregon* probably felt the inspiration of the occasion when in the battle at Santiago de Cuba, and not only picked the coal, but they threw oil into the fire, and for those few hours' run they made it hot for our Spanish friends, as they did for all around them. But that was not a fair test, and neither that ship nor any other ship can average for a trip of a thousand miles or more the same rate of speed that she makes upon her trial trip of four hours under the most favorable conditions and circumstances.

Mr. CAFFERY. Will the Senator allow me to ask him a question?

Mr. PERKINS. Certainly.

A CHANCE TO MAKE MONEY.

Mr. CAFFERY. Suppose the case of an 18, a 20, or a 21 knot ship to which subsidy is proposed to be given for speed. I want to know of the Senator whether, the speed being gauged by this four hours' test of such a ship, the ship will not find it more profitable, with less consumption of fuel, to run at a rate much lower than the higher-speed test, and therefore get the subsidy of an 18, 20, or 21 knot speed when she is actually running but from 12 to 15 knots?

Mr. PERKINS. There is no question of it, and therefore I think the bill should be amended in that respect, so that she should be paid for speed subsidy, as I have before stated, what her log shows, what the engineer's log shows, and what the record of the executive officer of the ship shows that she has averaged during the trip. If it is from New York to Southampton or from San Francisco to Nagasaki, that should be the basis on which she should be paid her speed subsidy.

Mr. SPOONER. Will the Senator allow me to ask him a question? I did not have the pleasure of hearing all he said.

Mr. PERKINS. Certainly.

Mr. SPOONER. The Senator's contention is that she should be paid for the speed she makes and not for the speed she can make?

Mr. PERKINS. That is it exactly. The provision of the bill, I will state to the Senator, although he is familiar with it, is that the speed subsidy shall be based upon the time she has made under a four hours' run under, it is assumed, the most favorable auspices, probably upon Delaware Bay or off the coast some day when it is perfectly smooth, when the vessel's bottom is free from barnacles and marine grasses, when it has been painted with the most glossy paint, when the boilers are free from scales and incrustations, when the furnaces, the heating surfaces, and the tubes are all free, and every inch of the heating surface exposed to have the benefit of the consumption of coal, which is picked coal; when expert firemen are firing the ship at the time. No

injustice, therefore, can be done by amending the bill so that the subsidy paid shall only be paid for the average speed which has been made for the voyage or trip.

WHY A SHIP'S SPEED TENDS CONSTANTLY TO A LOWER RATE.

Mr. SPOONER. Will the Senator allow me? Should there not in any case be some provision for a subsequent test or a revised test? In other words, is there any reason why upon the test made at the beginning should be assumed the same capacity for speed during the whole life of the subsidy?

Mr. PERKINS. Most assuredly not, because a vessel deteriorates. The boilers deteriorate. After every five years' inspection the inspectors cut down the pressure of steam. Anyhow, it is fair to the owners and fair to the Government, with respect to a speed subsidy, to pay what the ship has made on the voyage.

But the intent of this bill is not only to encourage the establishment of steamship lines capable of making fast time, but to insure that this time shall be made. I therefore hold that the speed subsidy should be based on the actual time consumed between ports and not on a rating made after a four hours' trial. The bill should also be amended so that no vessel shall be entitled to its benefits unless their rating is maintained in the classification books as required by section 2 of the bill. That has been done since I prepared my remarks. The committee have amended the bill in that respect, and therefore that criticism does not stand. I think they have very properly remedied that defect in the bill.

Mr. CAFFERY. Permit me to ask whether or not there is any amendment changing the classification required?

Mr. PERKINS. Yes.

Mr. CAFFERY. What is the purport of the amendment?

Mr. PERKINS. That they shall maintain their classification at all times. As the Senator is aware, many shipowners, after their vessels have reached the age of eight or ten years, certainly the life of the first boilers, say, "We do not care what our classification may be in Lloyds or the American book of register or any other recognized ship association," because the advantage of that is principally for their insurance. Insurance companies will not write a risk upon a vessel unless she is classified as A1*, A1, or A, or AA. The owners take the risk themselves. Therefore it would be immaterial to them whether she maintained her classification. Under the bill as it came to us first from the Committee on Commerce great wrong might be done to the Government, but the amendment now in the bill, on page 9, section 2, to which I desire to call the Senator's attention, I think removes that very important criticism.

OBJECTION TO ADMITTING FOREIGN-BUILT SHIPS.

There is, however, in my opinion, another objection to the bill. The provision which I object to is the one admitting foreign-built ships to American register. I do not believe we can justify a subsidy given to any vessel unless that vessel has been built in the United States, from materials dug from our mines, taken from our forests, by American mechanics and American labor. I do not believe that the American people will justify or applaud us for admitting foreign ships, built by foreign mechanics, the money expended in foreign countries, to participate in these subsidies. We have done pretty well in the past two years in the way of admitting foreign ships into this country. I was perfectly astounded,

in looking over the report of the Commissioner of Navigation, to observe the number of foreign-built ships that we have admitted into the country during the past two years.

I wish to say a few words parenthetically about the Commissioner of Navigation. My friend, the distinguished Senator from Missouri [Mr. VEST], in his very able and eloquent speech a few days since, rather criticised the Commissioner of Navigation, who was appointed, as Senators know, by President Cleveland. He knew nothing of shipping. I will not say that he did not know more than President Lincoln said that Gideon Welles, his Secretary of the Navy, knew when he appointed him. He said he did not know whether or not he knew the stern from the bow of a vessel, but he did know that he was an honest man and he knew he had good judgment, and he would find out about it. He did, and Senators know he made a very successful Secretary.

I wish to say for the present Commissioner of Navigation that when he assumed the duties of the office he admitted to me that he did know a prairie schooner from a line-of-battle ship, but he did not pretend to know very much more. However, he said: "I believe in free ships and I am going into this question, and if I find myself wrong or in error I will give the public the benefit of my investigation." He is a scholar, a student, an author; and his reports, since he has been in that office, are an encyclopedia of information. I am unable to find where he has espoused the cause of any particular interest, but, being a Government official, he has always been ready to respond to inquiries made of him, whether in favor or against any proposition. It mattered not whether he was in sympathy with it or not, he gave us his best thought and information.

FOREIGN-BUILT SHIPS ADMITTED TO AMERICAN REGISTRY.

In looking over his report I find that during 1900 the Government took in in the War Department foreign-built ships of 70,509 gross tons; the Navy Department took in 55,045 tons; we admitted by special acts of Congress 33,519 tons; we repaired wrecks under section 4136 of the Revised Statutes to the extent of 21,208 tons; we admitted by prizes condemned in the Spanish war 12,474 tons; and foreign tonnage was forfeited under section 3059 of the Revised Statutes to the extent of 29 tons, making in all 192,784 gross tons of foreign-built ships admitted into the United States during the past year.

This is within 65,995 tons of the total tonnage of vessels in the State of Maine, and that includes registered, enrolled, and licensed vessels—every steamboat documented in the custom-house in my own native State of Maine. When I was a boy it was the pride of every Yankee from the Pine Tree State that we were the greatest shipbuilding State in the Union, and yet, by this report I find that we have admitted during two years a tonnage almost equal to that owned in Maine—which includes all the small boats running up the rivers as well as those engaged in the coasting and foreign trade. I think we have done pretty well in admitting foreign-built ships into the United States to participate with us in our coasting trade, to participate with us in all the benefits that we derive from vessels built by our own mechanics with material taken from our own mines and our own forests. We have admitted them into this country free of duty, and now this bill proposes to admit several hundred thousand more gross tons of foreign-built vessels free of duty.

SHIPS UNDER CONSTRUCTION IN FOREIGN YARDS.

It appears from the report of the Commissioner of Navigation that there are now under construction in foreign yards 132,620 tons of ocean steamships for American companies, which, under this bill, will draw a subsidy amounting to only one-half of that which they would have drawn had they been constructed in the United States, and it is stated that other vessels are contracted for but not yet begun. It is thus apparent that, notwithstanding the reduced subsidy that may be earned by foreign-built vessels, it is more profitable to construct them abroad than to build them at home. In other words, the reduction in the amount of subsidy received is not sufficient to offset the increase in cost of similar vessels built in this country, which fact will render the foreign-built ship sailing under identical conditions in competition with a similar American-built ship able to earn more money than the latter.

She will, therefore, have advantages over the American-built ship, just as a foreign-built ship sailing under a foreign flag now has. Therefore an American company bringing under the American flag a fleet of foreign-built vessels, even though they receive only one-half the subsidy that a similar fleet of American-built vessels would earn, will have an advantage, and foreign competition will exist even under our own flag.

AMERICAN SHIPBUILDING DISCOURAGED.

How this will react on the American shipbuilding interest is apparent. As long as such foreign-built vessels are in service, an American-built fleet would find no encouragement to compete with them, and consequently the establishment of new lines would be discouraged. The demand for American-built ships, therefore, would be confined simply to those demanded by the conditions of the bill, which would measure pretty exactly the encouragement given to American shipbuilders. After these vessels were constructed there would be no further demand, except such as would arise to supply losses by destruction or otherwise of ships of existing companies, until the competition of the foreign-built ships had been eliminated by their withdrawal from service.

But this is not the only effect of the admittance of foreign-built ships to the benefits of the proposed subsidy. Those now in the service of American companies and those now under construction for the same corporations, admitted under the new provision allowing only four vessels belonging to each category to one corporation or firm, could, even at one-half of the subsidy rate, absorb nearly one-quarter of the total sum allowed for subsidy purposes. According to the report of the Commissioner of Navigation, existing American companies own foreign-built vessels aggregating 336,195 tons. A careful calculation by the Merchants' Association of New York of the amount of subsidy which these vessels could earn under this bill makes that sum $2,988,520. But as the amendments to the bill permit each existing company to enter only four foreign-built ships now in service, the tonnage eligible under this clause would be 118,114, drawing about $1,100,000 in subsidies.

In his report for 1899 the Commissioner of Navigation estimates that the subsidies for American-built ships eligible will amount to $4,457,184. In his report for 1900 the Commissioner states the amount of the subsidies which can be earned by the vessels under construction in foreign yards to be $1,025,614, but from this list the amendment providing for only four ships cuts out two, leav-

ing the subsidy $1,008,192. Construction in American yards would draw $1,681,832, and fishing bounties would amount to $175,000. The total of these subsidies is $8,247,208.

THE SUBSIDY FUND ABSORBED BY EXISTING SHIPS.

Thus the entire subsidy fund is practically absorbed by the ships now built or under construction, which fact renders it plain that there is no encouragement here for future American shipbuilding.

The subsidy provided for by the conditions of this bill will take, according to the report of the Commissioner of Navigation—and I have shown his own figures for 1900—$8,247,208. But our friends say these foreign-built ships can not receive any subsidy until the owners build the same tonnage in the United States. They have ten years by this bill, if I remember correctly, to complete that tonnage, and in the meantime no other ships can draw this money from the Treasury. It must remain there subject to their call. Therefore what is the incentive in this bill to create new shipyards and build up shipyards on the Pacific coast? There are the great State of Washington, the great State of California, and the great district of Alaska, with illimitable forests, coal, and iron, and everything that goes to build up and make great shipyards and to build up maritime interests.

This is more fully brought out by a further computation. Under the law none of the above-named classes of vessels, except perhaps those under construction in American yards, can draw a subsidy until a specific percentage of tonnage shall be built in American yards; in the case of American-built vessels, 25 per cent, and in that of foreign-built, 100 per cent. All these new vessels of American construction are eligible to subsidy under full rates. Therefore there will be a demand on the Treasury for 25 per cent of the amount of subsidy earned by American-built vessels now in service, amounting to $1,114,297, and full subsidy for American-built vessels, which offset the foreign-built tonnage eligible, or double the subsidy they earn. This sum amounts to $4,216,384, or a total of $5,330,681 for American-built vessels. This, of course, would greatly encourage American shipbuilding, if that sum could be devoted to that object. But, unfortunately, under this the bill it can not be. The total expenditures under the bill at the full rates therein named would be $13,577,889, as shown in the following summary:

American built—	
Fast steamships	$2,232,184
Slow steamships	1,050,000
Sail vessels	1,000,000
Fishing subsidies	175,000
Foreign-built steamships eligible	1,100,000
Steamships under construction—	
Abroad	1,008,192
At home	1,681,832
Total	8,247,208

THE TOTAL EXPENDITURES UNDER THE BILL.

Mr. PERKINS. I have taken the bill as amended and these are the figures which I take from it, and they are all from Commissioner of Navigation's reports, except one column which I took from the American Association, of New York, to which I have referred. It is a ship association, enjoying the confidence and respect of the commercial and maritime community of the great metropolis, and I assume it is correct. The others are taken from

his report, but are placed in this form. That makes the figures which I have given $8,247,208.

One-fourth existing American tonnage	$1,114,297
Equal existing foreign tonnage eligible	2,200,000
Equal existing vessels under construction abroad	2,016,384
Total	5,330,681

Which, added to the other, would make a grand total of $13,577,889. The figures are near enough. Even admitting there is some little discrepancy or some difference, the figures can not be controverted, in my opinion. It would absorb the full $9,000,000 for these vessels that are provided for and which have been built and are to come under the provisions of this bill. There is no question of that. Therefore what is to stimulate the building up, the resuscitating, the reviving, the rehabilitation of American ships. That is what I want. That is why I favor giving Government aid, if we can do so in a practical way, so as to increase our tonnage. But I want the ships built by American mechanics; I want them built in the United States, and I want them built of material that we gather from our forests and take from our mines, fashioned by our mechanics and our workmen.

THE TRUE SPIRIT TO BE SHOWN.

I wish to compliment the distinguished Senator from Ohio [Mr. HANNA], who has given so much thought and consideration to this measure, and who, in his very able and logical speech, aye, his eloquent speech, delivered in the Senate, said: "If there are any imperfections in this bill, if it does not come up to the object I have in view, if it will not resuscitate, revive, and build up American commerce, I will join hands with you in perfecting the bill." That is the spirit which should animate every true American who believes the United States is the best country on God's footstool, and that our first duty is to our own people and the building up of our own industries.

Mr. DANIEL. Would it interrupt my friend the Senator from California if I were to ask him a question?

Mr. PERKINS. Not at all.

Mr. DANIEL. I understood the Senator to intimate a while ago that the idea of subsidizing so much these large, fast-going steamships was to prepare them for the use of the Government in war. I desire to ask him if there was not evidence before the committee from shipping experts that the subsidy would not, in their opinion, increase the building of ships of that kind? As Mr. Griscom says, the building of ships would not be increased by this subsidy.

Mr. PERKINS. It is true that that was the testimony of some of the shipbuilders, yet——

Mr. DANIEL. He is the president of the company that owns them, is he not?

Mr. PERKINS. That is very true.

Mr. DANIEL. Then I will ask the Senator this further question. Predicating the constitutionality of this bill, as the lawyer of the committee did, if I read his opinion correctly, upon the construction of ships that we may use in war, when the president of the corporation that owns the ships says that the subsidy will not build them, does he not think we had better look at some other method of providing ships in war than one which is prophesied, by those who want the subsidy and own the ships, to be impracticable?

Mr. PERKINS. My friend from Virginia, able lawyer as he is,

understands that frequently if a witness upon the stand does not paint the truth in Titian colors he does not always give his testimony as his attorney would like to have him give it. As a matter of fact, ships that we did build——

Mr. DANIEL. That is pretty good black and white.

SHIPS THAT DID GOOD SERVICE.

Mr. PERKINS. The ships that we did build under the previous act, approved in March, 1891, the *St. Paul*, the *St. Louis*, the *New York*, and the *City of Paris*, did do a splendid service during our recent conflict.

Mr. DANIEL. We are not seeking in this bill to pay them for that service. They have already been paid for that, have they not?

Mr. PERKINS. That is very true. England to-day is granting a subvention and subsidies similar to that which we give here with the privilege of taking them when they require them for transports or for ships of war. Germany and France are also pursuing the same course. I do not agree with my friend from Virginia that the testimony of some of the shipowners should be taken altogether as final. I think that they might modify their opinion after considering a perfected bill. They then were advocating a measure which I think was largely in the individual interest of certain companies.

The provision limiting to each company or firm to four foreign-built ships already in trade and four under construction abroad reduces the subsidy account about $2,300,000 in subsidies for vessels existing or under construction, and about $7,000,000 in the grand total of subsidies authorized to be paid to existing companies on the basis of their present fleets in service or now under construction. The above figures show the saving by shutting out about 200,000 tons of foreign-built ships eligible under the bill before amended by the insertion of the four-ship restriction. But, as is seen, the existing ships and those under construction eligible practically absorb the entire subsidy fund.

SUBSIDY RATES CUT DOWN.

If it were possible to place in service immediately on the passage of this bill the full amount of American tonnage which it exacts shall be built, the total subsidy which all vessels under the American flag could earn at the rates given in the bill would be 50 per cent more than the sum available for such payments. Therefore the subsidy rate would have to be reduced 33 per cent, and each vessel would earn about 67 per cent as much as it would under the full rates provided by the bill. But the full rates are supposed to simply offset the advantages now possessed by vessels under a foreign flag, thereby rendering vessels built at greater cost in American yards and operated at greater expense to compete on even terms. If, therefore, the amount of subsidy which such American vessels can earn is reduced one-third, they are deprived of their equality with respect to their foreign competitors and can not therefore compete. The object of the bill, therefore, would be defeated, and the advantage would still remain with the foreign-built ship sailing under a foreign flag.

That this would be the effect of the provision entitling foreign-built ships to the benefit of the subsidy appears to me, from this data furnished by the Commissioner of Navigation, to be plain. Even under the conditions of the slow construction of new tonnage, the effect would make itself manifest at once. The tonnage

now eligible practically exhausts the appropriation, and any addition to it could only result in the further reduction of the rate to be paid. There is here no encouragement for the increase of the fleet of American-built vessels, and such as were constructed would be built only under the compulsion of the bill. The time within which these may be completed is ten years in the case of the vessels to be built by the owners of American vessels, as well as ten years in the case of vessels to be constructed by the owners of foreign-built vessels. These provisions, it seems to me, will still further militate against the American shipbuilding interests when considered in relation to the admission of foreign-built ships. As before stated, the present fleet of vessels eligible under the subsidy appropriates the entire amount.

IT SHOULD BE A PURELY AMERICAN BILL.

I notice by the bill that sections 10, 11, 12, and 13 relate wholly to providing for the admission to American registry of foreign-built ships. In my opinion it would benefit the bill, certainly it would not injure it, if all those sections were stricken out, thus leaving it purely an American subsidy bill.

Mr. BACON. Will the Senator from California pardon an inquiry?

The PRESIDING OFFICER (Mr. KEAN in the chair). Will the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. Certainly.

Mr. BACON. As the Senator was on the committee, I should like to know, as a matter of information, on what ground the provision was included in those particular portions of the bill limiting foreign ships to the number of four in each instance.

Mr. PERKINS. I will explain to the Senator from Georgia that I was nominated as a member of the committee, but I had the opportunity of informally meeting with them only twice before the bill had been formulated.

Mr. BACON. I suppose the Senator has analyzed the bill and has formed a conclusion. There must be some reason for it. What is the reason, in the Senator's opinion, that the bill is limited to four ships in two different sections? Why are there two different provisions limiting the number to four?

INSPECTION OF FOREIGN VESSELS.

Mr. PERKINS. I think it would be better to have the chairman of the committee explain that matter. If I had my way, I should like to strike out sections 10, 11, 12, and 13. I notice on pages 20 and 21 there is a proviso that the Secretary of the Treasury may extend the time to complete the vessels in the United States beyond ten years:

> But if it shall happen that any of such new vessels shall, without any fault or want of diligence on the part of the obligors in such bond, fail to be built and registered as required by this section, the Secretary of the Treasury shall extend the time of the performance of the conditions of such bond for such period or periods as shall appear to him to be just.

So as to the foreign-built ships, he has the power to extend the time for those vessels to be admitted beyond ten years. There is another clause in section 11 which seems to favor foreign-built ships. It provides—

> That no further or other inspection shall be required for such foreign-built steamship or steamships than is now required for foreign steamships carrying passengers under the existing laws of the United States.

I do not know why that should be put in. If they come in under the flag of the United States, they should be subject to the same rules of inspection as American vessels. Therefore I can not

see the necessity of this proviso. I do know that our inspection laws in respect to American ships are more rigid in relation to the preservation of life.

Mr. CAFFERY. What section is the Senator alluding to?

THE INSPECTION OF FOREIGN-BUILT VESSELS.

Mr. PERKINS. Section 11, on page 21.

Mr. CAFFERY. I wish to ask the Senator a question. Section 11 provides:

That no further or other inspection shall be required for such foreign-built steamship or steamships—

Under contract or already in existence—

than is now required for foreign steamships carrying passengers under the existing laws of the United States.

Does the Senator know what inspection is required of the foreign-built steamships running under the American flag?

Mr. PERKINS. Only in a general way. I know it is not nearly so rigid as that under the United States laws. An English ship, for instance, that will be required to carry eight lifeboats and four rafts for a certain number of passengers would, under the United States inspection laws, be required to carry about 20 per cent more. Therefore the object would seem, without myself knowing why it is that they are favored against the ships that are built here and inspected here——

Mr. CAFFERY. If the Senator will permit me, I do not know it to be so, but I believe when the foreign steamships were admitted to American registry the inspection required on their being entered into the American foreign trade was all the inspection that was to be required of them thereafter.

Mr. PERKINS. My friend from Louisiana is a very learned lawyer, and I will defer to his opinion on that point.

Mr. CAFFERY. I only give my opinion. I say I believe it to be so, but I do not know it.

Mr. PERKINS. It then follows from the figures I have presented that there is no inducement to the owners to increase the number of vessels in service, for not only would they not receive more total subsidy, but an increase of tonnage would reduce the rate on each vessel, thereby putting it out of their power to compete with vessels under a foreign flag. But the owners of American-built ships are not compelled to contract to increase their fleet until the expiration of five years, and the vessels themselves need not be completed until five years later, during which time the existing vessels can draw subsidy at nearly full rates. Foreign-built ships may also draw almost full rates for ten years. Any increase in the amount of tonnage eligible to subsidy would inevitably reduce the amounts earned per ton.

OLD VESSELS ON SAME BASIS AS NEW.

In this connection I would state that on page 3 the following appears as an amendment in the bill:

If the said vessel or vessels shall have been completed and in existence prior to the 1st day of January, A. D. 1900, for a period of ten years, and if the said vessel or vessels shall not have been completed and in existence until after the 1st day of January, A. D. 1900, for a period of fifteen years—

That was amended by striking out "twenty" and inserting "fifteen" before years—

of the sums following, namely—

The point that I would make on this section is that these vessels when admitted may be ten years old. They may be old enough

from a commercial point of view to have lost 75 per cent of their value. There is no restriction as to the condition those vessels shall be in when we admit them under the provisions of that section. It seems to me that if we are going to admit any ships we ought to have good ones. I believe that section on page 3 is faulty in that respect, because it makes no condition whatever. The ship may be 20 years old when she is admitted under that section of the bill.

Mr. McCUMBER. I should like to ask the Senator from California a question.

Mr. PERKINS. Certainly.

Mr. McCUMBER. Can any ship 20 years of age be classed under the classification A1 as provided by the bill? I ask purely for information.

Mr. PERKINS. The query is a pertinent one. Ordinarily I should say it could not; and every prudent shipowner, because the life of a ship is but twenty years, writes off and charges to loss and gain 5 per cent annually of his vessel. And yet they rebuild them. I have in mind several vessels where probably not one-third of the hull of the vessel is in existence to-day that was built twenty years ago. One vessel I have in mind that I know has had three sets of boilers and two sets of engines. Therefore that vessel has been able to maintain her classification, but, ordinarily, a vessel that is 20 years old would not be able to maintain any classification.

Mr. McCUMBER. Then, if I may ask the Senator another question, if it is supplied with a new hull and new boilers would it not be worth just as much as though it had been newly built?

Mr. PERKINS. That would be a question.

Mr. McCUMBER. In other words, if that would give a vessel of class A1, ought it not to be allowed to receive the same rates provided for foreign-built ships allowed to come in under this law?

REPAIRS TO OLD VESSELS DO NOT MAKE THEM NEW.

Mr. PERKINS. The point I was making is that a vessel coming in would maintain a class and be 10 years of age when, as a matter of fact, 50 per cent should be written off. She might maintain it. Of course, if you rebuild a vessel in every timber, it would be practically a new vessel. Yet I would much prefer to build a vessel on the lines that a marine architect had designed and planned to touching up an old vessel, even if I was able to maintain her classification by doing so.

The point I made on the bill was, and I repeat it, that not one of those vessels would come in probably under 5 years of age, and many of them would be much older. It would therefore be to the interest of shipowners to postpone to the last day the addition to their fleet required by the bill. In fact, speaking broadly, the existing fleet of vessels eligible to subsidy would draw the $9,000,000 provided in this bill for practically ten years, when the subsidy rate would suddenly be reduced by as much as the tonnage of American-constructed vessels then added exceeded the tonnage of those vessels which are eligible to subsidy for only ten years, as provided by recent amendment, and competition with vessels under a foreign flag would be rendered impossible, unless there should in the meanwhile be such a reduction in cost of construction in America and cost of operating under the American flag as would offset such reduction in subsidy. But such would hardly result from postponement of the construction of new ships until the last day that would enable them to come within the ten-year limit.

ADMITTANCE OF FOREIGN-BUILT VESSELS DEFEATS THE OBJECT OF THE BILL.

Under these circumstances I am unable to see how American shipbuilding would be immediately stimulated or how it would be possible to establish competing lines to foreign ports now without such competition, which, as is apparent from the reports of our consuls, is necessary to the growth of American commerce abroad. It seems to me, finally, that the provision admitting foreign-built vessels to the benefits of the subsidy defeats the objects of this bill.

I would here state that the Commissioner of Navigation, in his report of 1899, estimated the subsidy which vessels in existence and under construction called for under the bill at $8,000,000, which sum he reduced to $6,720,511 in his latest report. This reduction shows with what an elastic subject we have here to deal. But I think that the estimates which I have given above are practically correct, as anyone may convince himself by giving attention to details, with which I will not here take up the time of the Senate.

Now, suppose that we eliminate from the bill the provision relative to foreign-built vessels, and what will be the result? We shall have to deal simply with American-built vessels, which will draw in subsidy $4,457,184 for those now in service, and $1,114,297 for those whose construction the bill exacts. Thus there is provided the payment of $5,571,481 for the existing fleet of American vessels, and 175,000 tons of new construction, and $1,681,832 for construction now in progress in American yards, leaving unexpended $1,800,000 as a subsidy for the encouragement of the construction of still more American ships, and for the establishment of competing lines to foreign ports.

It must, therefore, be strikingly apparent to everyone how our problem is simplified if we exclude these foreign-built ships from American registry. I have shown that we have taken in the last two years 192,000 tons of foreign-built ships. Let us stop there and simplify the bill by striking out those sections which make up all the provisions for admission into the United States of ships built in foreign countries by foreign mechanics, of material in foreign countries, and let us give a subsidy to our own ships, built by our own mechanics, who build up our Commonwealths, who support our schools and churches, and who will keep this money at home, for they are paying their taxes and educating their children to be American citizens.

FOREIGN-BUILT SHIPS, IF ADMITTED, SHOULD PAY DUTY.

I believe we can justify ourselves before the people of the United States in making such a subsidy, but I do not believe that the people of this country will look with favor upon admitting into this country foreign-built ships free of duty, when we exact an average ad valorem per cent tariff upon all other manufactured goods. We impose upon glassware, in which my friend from West Virginia [Mr. SCOTT] is interested, a 65 per cent ad valorem duty, and yet we are to admit these ships here free. If anyone wants a foreign-built ship, I would give him the pleasure of buying it, if he wished to do so, and I would make him pay an ad valorem duty the same as under the Dingley Act, or one that would average the general tariff, for it is as much a manufactured article as a piece of cutlery that comes from Manchester, in England.

Mr. CAFFERY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Louisiana?

Mr. PERKINS. Certainly.

Mr. CAFFERY. Has the Senator observed that after admitting these foreign-built ships free—importing them, as it were, without duty—whoever makes a foreign-built ship hereafter will have to pay a duty upon the machinery and the fittings, which may be imported from foreign countries cheaper than we can buy them at home?

Mr. PERKINS. That is very true; therefore I think it is unjust to admit them free of duty.

It must also be apparent that by thus striking out this provision an impetus would at once be given to American shipbuilding, for there would be at once excited a desire to secure as soon as possible the benefits which the bill bestows. Foreign-built ships now in service are profitably employed in lines of trade that they have created; and as the new American ships would by this bill be placed simply on an equality with them as with all other vessels under a foreign flag, there would be no ground for a claim of injustice. It is probable that they would not experience any loss whatever from competition by new American-built ships, for the latter would find it more to their advantage to open up lines of trade with foreign ports which have now no direct connection with the United States, and present trade would not be interfered with.

Thus, while we are adding to the profits of existing lines, we should see new lines established to parts of the globe which for half a century have looked on our flag at only rare intervals. New channels of trade would be opened, and behind our goods abroad would be the American flag. As the foreign-built vessels now in the service of Americans are retired, their places will be filled by American-built ships, and foreign flags will be displaced by American, until at last no American shipowner will fly at the masthead of any of his vessels any other flag than the Stars and Stripes.

WHERE THE BENEFITS WILL GO.

In the light of what has been said, we see on the one hand existing companies receiving all the benefits to be derived from this act, shipbuilding encouraged to a very limited degree, if at all, and no inducement extended for the establishment of new lines by which our commerce may be broadened. On the other hand, we see an immediate impetus given to American shipbuilding, an inducement to establish connection with foreign ports through which our trade abroad may be very greatly increased, and the prestige of our flag placed behind our goods wherever they be found.

As an argument in favor of the admission of foreign-built ships it has been stated that the shipyards of the United States are not sufficient in capacity to construct the fleet which this subsidy would give encouragement to capitalists to build. If, for the moment, we grant that this is so, the argument against admitting foreign-built ships on the terms proposed is not weakened. If there were competition among those desiring to have ships built, which would arise if shipbuilding facilities were insufficient, the cost of those constructed would be increased. This, in turn, would increase the advantage of the foreign-built over the American-built ship, which, as I have shown, already exists. American shipbuilding, therefore, would, as a result, soon decline. As a remedy for this, if it should be determined to admit foreign-built ships, I would propose the enforcement of the Republican principle of protection and would exact from all such foreign-built ships admitted to American registry a duty of at least 25 per cent of their

value. Here is a cheap foreign product coming into competition with a high-priced American product, and why should it not pay a duty? Why should it come in free when we have the skilled mechanics, when we have the material, and when we can build as good ships as any in the world? If the tariff is right, why should it not apply to foreign-built vessels as well as to any other manufactured article?

SUBSIDIES TO FAST SHIPS.

Objection to this bill has been made on the ground that it is designed, or at least that its effect will be, to give the greater part of the subsidy paid by the Government to fast steamers built principally for passenger traffic, and which are virtually palatial floating hotels, instead of to those vessels engaged in the transportation of farm produce. I do not think that this objection can be sustained if we exclude foreign-built ships. There are at present under the American flag only four ships of 20 knots or over, which can draw in subsidies only $1,247,199 of the $9,000,000 allowed to be expended annually by this bill.

The company owning these ships now receives from the United States, under the bill to which I have already referred—which I want to say again has done more to build up American commerce than any other, and the author of which, the distinguished Senator from Maine, has always been the friend of the maritime interests of this country—a subsidy of $647,278 per year, so the extra expenditures under this bill will amount, in the case of these ocean greyhounds, to little more than $600,000. But suppose the only increase in our merchant marine were vessels of this class, and that instead of four there should be put in service thirty-two. Eight times the amount of subsidy for the four would more than exhaust the $9,000,000. But the thirty-two ships could not under the bill receive this amount, for the sum devoted to subsidies for vessels of 20 and 21 knots is limited to $2,000,000 per year, leaving $7,000,000 for ships of lower rate.

EARNINGS OF SLOW SHIPS.

Of ships of a rate between 13 and 20 knots there are now under the American flag 26, only 6 of which are as fast as 17 knots, the rest being either 14 or 15 knot vessels. These will earn as subsidy under the bill over $1,200,000 a year, and, as much agricultural produce is carried by them, the subsidy will be paid to the vessels in which the farmer is directly interested. Of slow steamships, of 13 knots and under, now engaged in foreign trade and dependent on agricultural products principally for cargo, there are about 175,000 tons, which, under the bill, will earn over $1,000,000 a year in subsidies. Sailing vessels under the American flag will earn another million dollars in subsidies. Thus the existing fleet of American vessels would, under this bill, earn in subsidies about $4,500,000, of which the class of vessels that it is charged this measure is designed to favor particularly will receive a sum greater by only $600,000 than is now paid to it by this Government.

By this bill $3,000,000 would be paid to the vessels fitted for carrying, and which do carry almost exclusively, the cheap and bulky products of the farm, the forest, and the mine. Surely this is in the interest of the farmer, the lumberman, and the miner; and the bill makes still further provision in their interest by compelling the construction, before the subsidy shall be paid, of 25 per cent of new tonnage, which, in the case of this class of ocean carriers, will amount to about 165,000 tons. The tendency of this great increase in the tonnage available for farm products

can be only toward a lower freight rate, because of increased competition among carriers, and for that reason will be of direct benefit to agricultural shippers.

There are now under construction in American yards three 18-knot ships, four 17-knot, two 13½-knot, each of 20,000 tons; two 14-knot, and one 12-knot, which will draw a bounty of nearly $1,500,000.

AN UNFAIR PROVISION.

There is another provision of the bill which does not strike me as fair and just. It is the one providing that 70 per cent of the subsidy shall be expended in the Atlantic trade and 30 per cent in the Pacific. I know of no good reason for such restriction, and believe it to be to the injury of commerce. Our need of a merchant marine is by far the greater on the Pacific, and there should be no restrictions put upon its development. The great increase of the trade of the United States in future is to be with eastern Asia, and the sooner we have an ample fleet of merchant vessels plying from Pacific to Asiatic ports the better will it be for our future commerce.

If the entire $9,000,000 could be earned by a fleet of American vessels in the Pacific-Asiatic trade, it would mean far more to American producers than the expenditure of the same amount in the Atlantic trade. It would mean on the Pacific new lines and new avenues of trade opened, with consequent expansion of markets for domestic products. In the Atlantic it would mean simply better facilities for reaching markets by lines now established (which, of course, is desirable) and the establishment of a few new lines, which we also greatly need. But the grand effect of opening up a trade with 600,000,000 people and subsequently controlling it through an American merchant fleet would be lacking. Therefore I am opposed to placing any restriction upon the growth of Pacific commerce.

I think, too, that every effort should be made to again give a leading place in ocean commerce to the American sailor. He has for many years been almost unknown. I therefore would have our new American marine manned by Americans, 75, or at least 50, per cent of the crew to be citizens of this country, and not a bare 25 per cent, as the bill provides. The flag of an American ship should cover a crew who know what it is and what it means.

By the law to which I have referred, which was approved March 3, 1891, it was provided that during the first two years of the contracts for carrying the mails one-fourth of the crew should be citizens of the United States; during the next three succeeding years one-third thereof, and during the remaining time of the continuance of the contract at least one-half of the crew should be citizens of the United States.

AMERICAN SAILORS ON AMERICAN SHIPS.

So it will be seen that one-half of the crew to-day of those lines which are receiving subsidies are American citizens, and yet this bill provides that only 25 per cent of them shall be American citizens. I do not believe that any ship should receive an American subsidy unless at least one-half of her crew are American citizens. We have thousands and tens of thousands of boys to-day in our cities on the coast and inland who would make able seamen, who would make splendid sailors, ready to fight for Old Glory, and maintain the honor and integrity of our great country.

I do not believe that any ship which receives a subsidy for carrying the mails of the United States or a subsidy for running

at a certain speed or for carrying the products of our soil should employ Mongolians or foreign laborers as sailors, firemen, coal passers, or in the steward's department. There is no trouble in getting plenty of American citizens or those who are capable of becoming American citizens if you pay them reasonable wages; but you can not get them for what some or our companies are now paying Chinese coal passers and Chinese firemen, namely, $15 a month in Mexican silver, equal to only $7 in gold.

I do not want to build up our American merchant marine with that class of seamen. I have seen as noble men, as able men, too, in the forecastle of a ship as those who walk the quarterdeck. The distinguished Senator from New Jersey [Mr. SEWELL] went to California many years ago, before he dreamed of ever winning his epaulets and spurs upon the field of battle or being a Senator in this honorable body, as mate of a clipper ship, and I think he took more pride in filling that position than he did that of a general commanding part of our Army in the field, or even that of a Senator on this floor, and therefore I hope I shall have his vote in amending this bill so as to provide that one-half of the crew, at least, shall be American citizens.

THE ONLY ISSUE.

I do not think any member of this body will seriously question the advisability of aiding in the reestablishment of an efficient fleet of American vessels to lend its aid in extending American commerce. The only issue is on the best means to reach the end desired. The necessities of our situation can not be placed more clearly before us than has been done in the extremely instructive and very able addresses of the distinguished Senator from Maine [Mr. FRYE] and the distinguished Senator from Ohio [Mr. HANNA]. While I differ somewhat from them in their conclusions, their argument is all right. I hope they may yet come and join hands with us in eliminating those sections from the bill which provide for fostering and building up foreign commerce instead of aiding in building up our own American commerce.

I agree fully and heartily with both these distinguished Senators, who have given so much time to the study of this question, and regret that I must differ from them as to a few details in the plan proposed. When a bill is passed, as one will be sooner or later, I desire that it shall contain no just ground for criticism from any of the great American interests involved. I desire that the farmer shall see in it his interest as well as the manufacturer, the miner as well as the shipbuilder, the cotton grower as well as the mill owner. And I wish to see the ocean carrying business thrown open to all.

As I have said before, the ocean is nature's great highway. There is no single track; no one has the right of way. We are not obliged to come to Congress to ask some special aid for giving us the right of way into our harbors or into our great bays. Oh, no, Mr. President, the ocean is open to all.

ALL SHOULD BE GIVEN A CHANCE.

I want to see small companies as well as large engage in the carrying of goods on the ocean, and I wish to see encouragement given to the investment of money in ships by small capitalists, as in France and England. We now have coming to our ports vessels from these and other countries where in a ship of 4,000 tons there are often as many as 30 or 40 owners—men and women of small means who have seen a chance to make good interest on their money by combining and building a vessel for the

ocean trade. So let our farmers join with our mechanics, and let our mechanics join with our merchants, and let them become shipowners.

I am sure that the amendments suggested ought to receive the approval of the friends of the measure, as they are in the interest of the creation of an American merchant marine for the benefit of the people of our country.

The present lack of American ships suitable for the most efficient foreign service would at once create a demand which would set all of our shipbuilding yards working to their full capacity and would compel the establishment of new yards. The revival of shipbuilding would commence without delay, and the organization and economies which constant employment make possible would soon, as it has in Germany, enable us to construct ships as cheaply as can now be done in England. Constant employment—the permanence of an industry—has by the means indicated enabled our manufacturers, though paying far higher wages than in England, Germany, or France, to compete with the manufacturers of those countries even in their home markets. It would be strange indeed if the builders of ships could not eventually do the same.

OUR PROSPERITY AT HOME AND OUR STANDING ABROAD.

Thus one of the disadvantages from which the American merchant service suffers will be after some years eliminated, and in the meanwhile the demand for American-made ships will have made itself felt in an increased demand for everything that goes into them. The miner who digs the ore from which the plates are made; the iron workers who forge the steel for engines, frames, and the thousand and one parts which must be made from this metal; the mechanics who fashion the machinery; the workmen who lay the keels and build up the huge structure; the makers of armor, guns, projectiles, and powder; the carpenters who make the furniture and fittings; the lumbermen who furnish the wood—these and many other classes of producers will get their share of the immense amounts expended in construction; and as all must live, the great increase in earnings will increase the demand for the produce of the fields and farms, and the farmer will have his home market broadened, and greater consumption will bring its customary benefits to him.

But this question is not one of simple business; it is far greater than that. Our standing and influence as a nation are involved. While our flag is known only within our own borders, the United States will be known beyond them only as a name. As with England, so with the United States, the national power and influence can be made known to the world only through the flag that floats above a strong navy and a merchant fleet commensurate with that power and capable of imposing that influence. With our flag again on the seas, where once it denoted a successful rivalry with the nation which aspired to be their mistress, our national influence and prestige will again be established in every port, and the gain to us will flow in an ever-increasing stream through the channel of our ocean commerce. And with strong American hearts and hands trained to courage and endurance in battles with storms, there would be developed and assured to us another bulwark for our national independence and safety.

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Lubin, David
CAL.

EVILS OF THE PRESENT SYSTEM OF PROTECTION.

FEBRUARY 26, 1897.—Referred to the Committee on Finance and ordered to be printed.

MR. PERKINS presented the following

MEMORIAL OF DAVID LUBIN, OF SACRAMENTO, CAL., ON BEHALF OF THE STATE GRANGES OF CALIFORNIA, OREGON, ILLINOIS, WASHINGTON, MISSOURI, VIRGINIA, AND PENNSYLVANIA, SETTING FORTH CERTAIN EVILS OF THE PRESENT SYSTEM OF PROTECTION AND SUGGESTING MODIFICATIONS.

An historical review of the protective system in the United States will show that originally protection was intended as a means in aiding the establishment of manufactures, and was intended as a temporary measure. At this time the idea has taken a new turn—a wider range. It is not intended merely as a temporary aid for the upbuilding of manufacture, but as a permanent means for the protection of American capital and labor against the competition of that from foreign countries. As our protection system is, however, limited to a tariff on imports, it necessarily leaves unprotected the staples of agriculture, because a great portion of these are exports, and it is a well-known fact that, while manufactures are sold at local prices—higher in one country than in another—on the other hand the entire product of the staples of agriculture, whenever there is a surplus, is sold at international prices. Selling the surplus, as we do, at international prices compels us to sell the greater quantity for home use at the same price, for the export and home price is always the same.

We can thus see that there can be no direct protection to the staples of agriculture so long as a portion of these are exports. Some protectionists deny this, but they have neither fact nor logic to substantiate their denial. Other protectionists frankly admit it to be true but claim indirect protection by reason of an enhanced wage rate which protection affords to manufacture.

A careful analysis of this view will show that it is not alone useless as a protective measure to the American farmers, but it is besides, in the event of its operation, an injury; for if prices are indirectly enhanced, it is the world's prices which are thus enhanced; and any protective system in our country which tends to enhance the price of agricultural staples in Argentina, Russia, India, North Africa, and other cheap land and labor countries must tend to the expansion of production in those countries to the detriment of production of the same products in our own country. We must therefore conclude that protection limited to a tariff on imports is no benefit, directly or indirectly, to the American farmer. Some protectionists even go so far as to admit this conclusion, and regret that a tariff on imports can not protect the staples of agriculture; but, say they, is that

any reason why we should not protect manufacture, if that protection can be had by a tariff on imports?

It is certainly a wrong for the Government to confer a benefit upon one body of its citizens only; but a one-sided protection system is more than wrong, it is an injury. For, to protect one industry and to leave the other industry unprotected is not merely to bestow a privilege upon one but it is, besides, heaping a burden upon the other. For if the unprotected must sell its products at home and abroad at the world's free-trade prices and be compelled to pay the enhanced prices which protection affords the protected industries, it must necessarily pay for the costs of the protection system.

There could have been no serious objection to such a system at a time when it was intended as an aid to the upbuilding of manufacture; at a time when agriculture was rich and strong in world advantages, in its advantages of cheap land and exclusive use of machinery; but to-day these advantages are gone and are possessed by the cheap land and labor countries of the world. It will be shown further on that a continuation of a perpetual system of protection, which in its operation leaves the staples of agriculture unprotected, must result in the decay and destruction of the Republic.

Let us briefly review the opinions of the early statesman on the protection system, in so far as it affected agriculture, at a time when protection was demanded as a temporary measure.

Albert Gallatin, in a memorial dated 1831, says:

A Government which acknowledges the principle that no individual can be divested of his property for public purposes without indemnity cannot claim the right to do that indirectly which it is forbidden to do directly. A system calculated to lay permanent burdens, greatly unequal and oppressive on some classes of society or on a particular section of country, would be radically unjust and altogether indefensible.

In a country which always raises what is the equivalent of 1,500,000 barrels of breadstuffs beyond its own consumption, the price depends on the proportion between that supply and the foreign demand; and that demand will continue to govern the price of the home market, whatever may be the increase of the domestic consumption, so long as such an excess beyond the consumption shall continue to be raised.

As the greatest consumers, they, the agriculturists, must not only pay a greater share of the duties requisite to defray the necessary national expenditure, but they are compelled to pay the enhanced prices occasioned by the protecting system. That system cannot be extended to them. They find in it no indemnity, no compensation for the injury which it inflicts upon them.

The true problem to be solved in the United States is not whether the people can govern themselves, of which not the slighest doubt can be entertained, but whether that government can be successfully applied to an extensive territory embracing interests which must occasionally be in collision with each other; whether majorities formed by combinations of sectional interests will be so governed by a sense of justice and a spirit of conciliation as not to oppress those parts of the country whose rights, though they may be in a minority, ought, nevertheless, to be respected.

Quotations from the report of the Secretary of the Treasury, Robert J. Walker, 1845, are as follows:

At least two-thirds of the taxes imposed by the present tariff are paid, not into the Treasury, but to the protected classes. The revenue for imports last year exceeded $27,000,000. This in itself is a heavy tax; but the whole tax imposed upon the people by the present tariff is not less than $81,000,000, of which $27,000,000 is paid to the Government upon the imports, and $54,000,000 to the protected classes in enhanced prices of similar domestic articles. This estimate is based upon the position that the duty is added to the price of the imports and also of its domestic rival. If the import is enhanced in price by the duty, so must be the domestic rival; for, being like articles, their price must be the same in the same market. The merchant advances in cash the duty on the import and adds the duty, with a profit, upon it and other charges, to the price, which must, therefore, be enhanced to that extent.

The tariff is a double benefit to the manufacturer, and a double loss to the farmer and planter; a benefit to the former in nearly a monopoly of the home market and in enhanced prices of their fabrics, and a loss to the latter in the payment of those high prices.

From the speech of Daniel Webster we quote as follows:

A particular interest is here burdened, not only for the benefit of another particular interest, but burdened also beyond that for the benefit of the Treasury.

It will thus be seen that former statesmen fully understood the operation of the protection system and its effects upon unprotected staples of agriculture. But as the measure was a temporary one, and at a time when

conditions permitted the taxing of agriculture for the purpose of upbuilding manufactures, it could then, in spite of its seeming injustice, be deemed a measure of good policy. Now, however, when protection is demanded, not as a temporary, but as a permanent measure, such a policy is not only questionable but highly injurious.

The primary industry of this nation is agriculture. The earnings of agriculture were sufficient in times past to pay for the protection of manufacture and still come out with a margin ahead. That time has now gone. The monopoly of prices for agricultural staples which obtained when the United States was the almost exclusive user of agricultural machinery has gone.

On January 5 there was exhibited before the Ways and Means Committee about 20 pounds of catalogues and price lists of agricultural machinery factories in Europe. These European manufacturers of agricultural machinery now turn out annually thousands of reapers, mowers, headers, binders, harvesters, drills, engines, and gang plows. The greater portion of this product is for export to the cheap land and labor countries of the World. Thousands of these agricultural machines are now at work in different parts of the world on lands and by labor much cheaper than ours, producing the same agricultural staples we do, and determining the price at which capital and labor engaged in agricultural pursuits in the United States must accept.

Page 267 of the official report of the Russian department of agriculture, Volume I, says: "The United States of America made Russia acquainted with their machines and began to export them into the Empire only since 1876."

Volume II, page 183, shows that between 1881 and 1890, 183,121 tons of agricultural machinery were imported into Russia.

On page 268 is the following:

In 1864 there were only 64 mechanical establishments; in 1870 there were 112. Later on their number increased. Thus in 1871 there were 203; in 1879, 340; in 1885, 435; in 1892, 400. These data show that the building of farming machines developed as much as the different unfavorable conditions would permit.

From all this it may be seen that the catalogues and price lists of agricultural machinery by European manufacturers submitted here, though large in numbers, do not by any means represent all the European manufacturers. And what do these signify? They signify that the American farmer is now handicapped by competition permanent in character and destructive in the highest degree of his power to obtain former and higher prices for his products at home and abroad. What more natural at this juncture than to grant this great industry protection, and if not protection, then the removal of destructive burdens of a one-sided protection system.

Some protectionists when presented with this view willingly assent to the proposition and say that agriculture ought certainly to be protected, but when asked how this should be done, they have but one uniform answer, that it be done by a tariff on imports.

In the face of the fact that a tariff on imports is no protection to the staples of agriculture so long as these are exports, and in the face of the fact that this has been repeatedly made known to these protectionists, their sincerity may be questioned as belonging to that order indicated in the song, "Hang your clothes on a hickory limb, but don't go near the water."

Protection can be had for staples of agriculture, but not by a tariff on imports. It can be had by a bounty on exports, which was clearly pointed out by Alexander Hamilton when he was Secretary of the Treasury in 1790:

As often as a duty upon foreign articles makes an addition to its price, it causes an extra expense to the community for the benefit of the domestic manufacturers; a bounty does no more.

The true way to conciliate these two interests (agriculture and manufacture) is to pay a duty on foreign manufactures of the material the growth of which is desired to be encouraged and to apply the produce of that duty by way of bounty.

There is a degree of prejudice against bounties from an appearence of giving away the public money without an immediate consideration and from the supposition that they serve to enrich particular classes at the expense of the community; but neither of these sources of dislike will bear a serious examination.

And this is theoretically assented to by Henry Clay in his speech before the House of Representatives in 1824, as follows:

If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case all should not be done for one, which would be done if it were separated and independent, but something; and in devising the measure the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union.

And Daniel Webster, before the House of Representatives in 1824, say as follows:

Sir, that is the truest American policy which shall most usefully employ American capital and American labor, and best sustain the whole population. With me it is a fundamental axiom; it is interwoven with all my opinions that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures will prosper together or languish together, and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

It is true that a number of agricultural representatives have appeared before the Ways and Means Committee asking for an increase in the tariff on certain products of agriculture. Prominent among these were the wool men, who desire by protection to increase the price on wool. What benefit would this be to the producer of wheat, cotton, tobacco, and hops but to make higher the prices of the things made from wool and thus increase the burden. There is no more right in equity to protect wool than there is to protect wheat or cotton. Up to within recent times a large body of farmers, mainly in the East, producers of the nonstaples of agriculture, looked with disfavor upon the proposition, believing it to be a means of benefit limited in its scope only to the producer of staples and which would fall as an indirect tax upon the producers of nonstaples of agriculture. Since then there has been a change of opinion.

The producers of nonstaples are finding out by a sad and costly experience that the condition which brings the production of the staples of agriculture at or below the profit point means a curtailment in the area of cultivation of staples and a great increase in the production of the nonstaples and their consequent decrease in price.

Professor Sering, of Berlin, pointed out that this was the principal cause of distress among the farmers of Germany, and how this law operates in the United States is evident from the following examples which should be heeded by all farmers producing the nonstaples.

The Year Book, United States Department of Agriculture, for 1895, page 531, contains the following object lesson:

In 1894 there was raised 170,787,338 bushels of potatoes, which brought $91,526,787; in 1895 there was raised 297,237,370 bushels of potatoes, and which only brought $78,984,901.

It will thus be seen that so long as the world's price of the staples of agriculture keep on declining or remain at an unprofitable margin line, then so long is it impossible to derive any benefit whatever from a tariff on imports of nonstaples. It is true that a protective tariff on the nonstaples may keep out European or Canadian nonstaples, but it is rendered absolutely inoperative by the increased competition to the East by the increased production of the nonstaples of the West and South, thus bringing all agricultural productions, whether of the staples or of the nonstaples, down to or below the profit point.

Such farmers as are not aware of the cause, who are not aware of the new economic world condition operating upon them, are still waiting for conditions to better themselves. And so are many protectionists in manufacturing centers waiting. They have some vague hope that things will right themselves of their own accord, that something will happen to put things straight, that commerce will regulate itself.

Under this head Henry Clay says the following:

> Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir who squanders the rich patrimony which has descended to him will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and beforehand to provide against even distant evils, by prudent legislation stimulating the industry of their own people and checking the policy of foreign powers as it operates upon them?

If things are to regulate themselves, and this without injustice, then such regulation may only be had by free trade. If protection is to be a factor in regulating, then that protection should be just and equitable; not a protection for manufacture at the expense of agriculture, but for the protection of American agriculture and manufacture against foreign manufacture and agriculture, and if one is to be protected by a tariff on imports, the other must be by a bounty on exports.

That this demand is not unjust or impracticable can be shown by the protection laws of other countries. There is not a progressive country in Europe which protects manufacture at the expense of agriculture. No, not one. In Hungary and France the exportation of flour, as well as the home market for the same, is protected by the export bounties in the form of drawbacks. Germany, France, Austria, and Russia pay out millions of dollars annually in the form of export bounties on sugar. The United States is the only progressive country in the world which protects manufacture at the expense of agriculture. A continuation of this policy at a time when the world's prices of agricultural staples is now being fixed by the production of the cheap land and labor countries, and a continuation of protection in the United States, limited to a tariff on imports, and which can only protect manufacture at the expense of agriculture—such a continuation must tend toward the destruction of American agriculture and to the injury of the Republic.

Equity therefore demands protection for agriculture so long as protection is given to manufacture. Not a kind of protection in name only, but one in fact; a kind which will enhance the price of agriculture within the United States in its home market as surely as the protective tariff enhances the price in the home market of American manufacture. Nothing short of this will be equity, will be justice.

An appeal to justice, however, is not as readily assented to, as a rule, as one to expediency. The conservative protectionists of the country, while they may admit the justice of this proposition to themselves are loth to advocate it, deeming it as out of their province. It is not nearly so much out of their province, however, as they believe it to be. The farmers of the nation, if they cannot find relief on the lines of equity and justice, may seek it in other avenues and in unforeseen methods, which in their consequences may react with disaster upon the body politic. It took all the force and power of the two great national parties in the last campaign to guide the political outcome to its present issue. It is not always possible to unite these two parties upon one issue, and it is safer to trust to justice and equity in a free government than to trust to the possible combination of contending parties. Therefore it is not only just and equitable to give agriculture the same measure of protection which is accorded to manufacture, but it is highly expedient that this should be done.

Thoughtful farmers are at last beginning to comprehend the present peculiar condition of American agriculture.

On the one hand it is evident that there is to be a continuation of the protective system. This is made manifest by the character of the men elected for the coming Administration, by the preparation of the new tariff bill, and by the tendency of the general prevailing opinion on the subject.

On the other hand, the accelerated use of agricultural machinery in the cheap land and labor countries of the world must tend toward the minimum world's price of agricultural staples.

The area under cultivation in the cheap land and labor countries, while large, has by no means reached its limit; on the contrary, it has just begun. As an example, but a few provinces in Argentina are at present under cultivation, but the extent of Argentina is as great as 14 Nebraskas side by side, or about the same as that of all the Southern States.

Mr. William Turcke, the director of the Eckert Agricultural Machinery Factory, of Berlin, Germany, spends much of his time in Russia, in the disposition of agricultural machinery there. He stated at a conference in Berlin that vast tracts in southern as well as in eastern Russia, even beyond the Urals, are now under cultivation which formerly were uncultivated.

Volume V, from the Russian ministry of finance, the department of trade and manufactures, of 1893, has this to say of Siberia and the Siberian railway:

> The great Siberian railway, intersecting the whole of Siberia for a distance of 7,112 versts, embraces a very wide zone, which cannot be taken at less than 100 versts on either side of the line, or about 1,500,000 square versts. This enormous area, which exceeds the whole extent of central Europe, Germany, Austro-Hungary, Holland, Belgium, and Denmark, lies in the mean geographical latitudes, and as regards climate and soil possesses all the qualities favorable to the development of agriculture, rural economy, and the industries connected with them.

It will be evident from all this that we are confronted by a condition which must receive most serious consideration, and which is not to be remedied by merely raising or maintaining the protective tariff. The remedy at this time is not in a protective system when that protective system is limited to a tariff on imports. The time has come when protection must be effectual for agriculture if it is to be effectual for manufacture. If it can be made effectual for agricultue there should then be no protection for manufacture. To persist in the old-line policy under the new condition which has arisen would be to await certain destruction. To rail and scoff at this proposition may satisfy the vanity of partisans, but so long as there raillery and scoffing cannot remove the conditions it is of no value as an economic factor.

Objections have been urged against the export bounty proposition on the ground of its impracticability, but not a single one of these objections are valid. Historic evidences and undoubted authority have been submitted, showing that an export bounty is just as effective as a means of protection for agriculture as is that for manufacture by a tariff on imports.

The remedy for the present inequality in protection is in the enactment of the Johnson bill, a measure for the protection in the home market of the staples of agriculture, and also for the protection of the American merchant marine in the foreign trade, and which reads as follows:

[H. R. 2626, Fifty-fourth Congress, first session.]

A BILL for the protection of agricultural staples and American ships in the foreign trade by authorizing the payments of bounties on exports of agricultural products of the United States, conditioned on their carriage in American or foreign vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the passage of this act, and after the lapse of fifteen months, there shall be paid, out of any moneys in the Treasury of the United States not otherwise appropriated, to any exporter of wheat or wheat flour; rye or rye flour; corn, ground or unground; cotton, hops, or

tobacco, produced wholly in the United States and exported by sea from any port in the United States to any port of a foreign nation certain sums, to wit: Ten cents per bushel on wheat; fifty cents per barrel on wheat flour; ten cents per bushel on rye; fifty cents per barrel on rye flour; five cents per bushel on corn; seven cents per cental on corn, ground; one cent per pound on cotton; two cents per pound on hops; two cents per pound on tobacco.

SEC. 2. That if any article named in section one of this act shall be exported in American vessels, the corresponding bounty on such export as designated in said section shall be increased by ten per centum over the sum therein provided.

SEC. 3. That all payments of bounty under this act shall be made upon negotiable vouchers, payable in thirty days from date, issued by the collector of customs at the port of clearances and directed to the Treasurer of the United States; and the Secretary of the Treasury is hereby charged with making and enforcing the regulations necessary for the protection of the Government in administering this law.

SEC. 4. That the President of the United States is hereby directed to notify all foreign nations of the desire of this Government to abrogate any treaty provision in contravention with this act.

It would seem that the shipowners and shipbuilders of the Atlantic Coast are opposed to the above measure, and propose instead to have enacted a law which shall give them much more protection income than is possible by the adoption of the above section, and seem to be united in an effort for the passage of what is known as the Elkins bill.

This bill lays a horizontal tax of 10 per cent. more upon dutiable imports and a 10 per cent ad valorem tax upon undutiable imports if brought here in foreign ships, from which taxes imports in American ships will be exempt.

At first thought it would seem that the Elkins bill is a wise measure for the restoration of the American merchant marine, but a more careful consideration of it will show that is neither wise nor just.

It is not wise, because it is a measure calculated to engender retaliation, and that chiefly by England.

Its advocates urge its adoption chiefly on the ground that it had at one time, in the early history of this nation, been in operation. They seem to forget that the reason why it was adopted was because England at that time discriminated against our ships. They also seem to forget that we repealed this discriminating law just as soon as England did.

As England does not now discriminate against our ships we have no reason on that score to discriminate against her. If we should discriminate against her now would she not be likely to revive discrimination against us?

Jefferson, in advocacy of this measure in 1793, said: "Where a nation imposes high duties on our productions or prohibits them altogether it may be proper for us to do the same by them." Does England impose a high duty upon our productions? Does she impose any duty at all? Would Jefferson have advocated a discriminating duty against England at the time when he did were our present conditions existing in his time? The following figures show the total exports for the past five years and the proportion exported to Great Britain:

Year.	Total exports.	To Great Britain.	Year.	Total exports.	To Great Britain.
1892 . . .	$1,036,278,148	$499,315,332	1895 . . .	$807,538,165	$387,125,458
1893 . . .	847,665,194	421,134,551	1896 . . .	882,606,938	505,741,339
1894 . . .	892,140,572	431,059,267			

It will be seen that about one-half our total exports are to Great Britain and that three-fourths of these are in the staples of agriculture. If England should retaliate who would thereby receive the greater injury? Would it not be the American farmer? Most surely. Nor would England be the only country who would be likely to retaliate. That it is desirable to build up and foster the American merchant marine in the foreign trade there can be no question; but that it is desirable to do this at the expense of the American farmer is questionable.

Henry Clay, in his speech in the House of Representatives March 30, 1824, in referring to the shipping industry, said :

This great interest deserves every encouragement consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the production of these two superior branches of industry. It cannot, therefore, be expected that they shall be molded or sacrificed to suit its purposes, but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures,

In substance, Mr. Charles H. Cramp, a leading shipbuilder of Philadelphia, expressed the same idea when he said at a public meeting of shipbuilders and shipowners :

I think that when we (the shipbuilders and shipowners) went to Congress and asked for a bounty for ourselves we committed a grave error, and I am going to do what I can to repair it. There is not any mistake, gentlement, that the foundation of everything that is good among us, the foundation of morality itself, and everything that is good in this country, is due to agriculture.

Now, the difference between Mr. Clay and Mr. Cramp seems to be in this, that Mr. Clay was a great statesman and Mr. Cramp is a great shipbuilder. Mr. Clay, having once taken a position that any measure calculated for the upbuilding of shipping at the expense of agriculture was an unstatesmanlike measure, he continued to adhere persistently in the direction of right statesmanship. Now, while it is true that Mr. Cramp could key himself up to the pitch of true statesmanship, it is likewise true that his shipbuilding instincts soon overcame this tendency, for he seems now to be among the foremost supporters of the Elkins bill, which bill proposes to heap many advantages on shipbuilders and shipowners at the expense of the American farmer.

Seaboard, the official organ of the shipbuilders, in its issue of December 3, 1896, says of the Elkins bill .

The first effect of such a law, figuring on the basis of the imports of 1895, would be to increase the revenue by about $60,000,000.

This $60,000,000 would, of course, come from the increased duty of the 10 per cent additional laid upon imports, about one-half of which would be collected protectively, and which would fall as an unjust burden upon the producers of agricultural staples, and which the shipbuilders do not at all deny, but which they admitted freely, unanimously, and without reservation at a meeting in the Maritime Exchange, Philadelphia,, July 30, 1895.

Apart from what has already been said, it must also be considered that the Elkins bill, while calculated to protect American shipping in the foreign trade, can only do so in some manner which will raise the income of shipbuilders and shipowners, and this by an increase in the present price of freight. An increase in the price of freight, especially of ocean carriage to foreign countries, necessarily means a decrease in the price of exports of agricultural staples, and as the export and home price for these staples are the same, it must necessarily follow that any increase in the rate of ocean carriage must necessarily and correspondingly decrease the home price of all agricultural staples.

Thus it will be seen that the Elkins bill is unjust and calculated to seriously injure the agricultural interests of this nation. For this reason the farmers of this country must oppose this measure, but the bill we are now considering offers no such objections. On the contrary, it proposes to protect the staples of agriculture in the only way by which they can be protected, and this only so long as manufactures are protected. It also proposes to protect American ships in the foreign trade, and while it does not propose to do this to the radical degree proposed by the shipbuilders, it yet proposes to do so to an extent sufficient for the upbuilding and maintenance of the merchant marine.

We therefore ask the enactment of the Johnson bill into a law, believing that its enactment would serve not alone the best interest of agriculture, but the best interests of the Republic. In the event of the failure of its enactment there is left for the American farmer but one alternative in obtaining that measure of justice and equity in protection which protection should give them, and that alternative is in absolute and unrestricted free trade.

Herewith is given a statement illustrating the operation of protection by an export bounty, giving a partial list of the products to be protected, the cost of the same to the government, and the amount of protection to the American farmer, based upon the production of 1895 as taken from the Statistical Abstract of the United States:

Wheat.

Exports of wheat for 1896	bushels,	126,443,968
10 cents per bushel, Government export bounty		$12,644,396.80
Production of wheat for 1896	bushels,	467,102,947
10 cents enhancement per bushel, or actual protection by the export-bounty system		$46,710,294.70

Cotton.

Exports of cotton for 1896	pounds,	2,335,226,385
1 cent per pound, Government export bounty		$23,352,263.85
Production of cotton, 1896	pounds,	3,592,416,851
1 cent per pound enhancement, or actual protection by the export-bounty system		$35,924,168.51

Corn.

Exports of corn for 1896	bushels,	101,100,375
5 cents per bushel, Government export bounty		$5,055,018.75
Production of corn, 1896	bushels,	1,155,138,580
5 cents enhancement per bushel, or actual protection by the export-bounty system		$57,556,929.00

RECAPITULATION.

Cost to the Government for the protection by an export bounty on wheat, cotton and corn.

Wheat	$12,644,396.80
Cotton	23,352,263.85
Corn	5,055,018.15
Total	$41,051,679.40

Enhancement or protection by an export bounty to the producers of wheat, cotton and corn.

Wheat	$46,710,294.70
Cotton	35,924,168.51
Corn	57,556,929.00
Total enhancement or actual protection in the home market to the American producers against the competition in the home market of the free trade prices by the pauper-labor countries of the world	140,191,392.21

It is estimated that the additional amount necessary for the protection of shipping hops, tobacco, dairy products, etc., will be about $9,000,000; this, together with the $41,000,000 above shown, will make a total of $50,000,000 per annum as the cost to the Government for protection to agriculture by an export bounty.

It has been repeatedly asked where the money is to come from to pay this export bounty, especially at a time when the National Treasury has no surplus. It is contended by the advocates of this proposition that so far as this bounty is concerned there is ample, and more than sufficient available. The money which is now collected as an incident of protection to manufactures justly and equitably belongs to the farmers of the nation, who pay for protection and receive none.

This was clearly seen to be the case by that able and honest protectionist Alexander Hamilton as well as by Henry Clay, quotations from whose speeches are given in this memorial. The abolition of the protective tariff as a means for the protection of manufacture would do away with the claims for protection by an export bounty, but so long as moneys are received on imports for the protection of manufactures, these moneys or a portion thereof, should be paid out primarily, not for Government expenses, but for export bounties to protect the staples of agriculture, and thus equalize protection by extending it to agriculture as well as to manufactures, protecting thereby the farmers and manufactures in the United States against the farmers and manufactures of foreign countries, and thus do away with the injustice of the present system which protects the manufacturer at the expense of the farmer.

If, after what has now been said, the question is still asked, Where will we get additional revenue for Government expenses, the answer is clear. The report of the Treasury Department, Statistics of Finance and Commerce No. 2, for 1896 and 1897, shows the following: On page 252 it will be seen that for the past five years there was entered 54 per cent. of merchandise on the free list and 46 per cent was dutiable. If the Government received from $150,000,000 to $200,000,000 a year on the 46 per cent, why can it not collect as much as it requires on the 54 per cent. now on the free list?

Respectfully submitted by—

DAVID LUBIN,
Sacramento, Cal.

(For the State Granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania).

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TARIFF HEARING

—— BEFORE ——

COMMITTEE ON WAYS AND MEANS

JANUARY 5, 1897

STATEMENTS OF DAVID LUBIN, LEONARD RHONE, ALEX. J. WEDDERBURN AND SENATOR GERALD C. BROWN, AND RESOLUTIONS OF THE STATE GRANGE OF PENNSYLVANIA.

TUESDAY, *January 5, 1897.*

Mr. LUBIN said: I desire to draw the attention of the committee to the last two pages of the document which I will file, which gives a list of things contained in this package. I wish to submit this package. This package, gentlemen, perhaps is the most important in the United States to-day and has a great meaning, not alone for the people of the United States, but for the people of western and central Europe as well. Much has been said about what protection does, and I wish to state we are protectionists in every sense of the word. We, however, desire equity in protection. So long as the manufacturers are protected by tariffs on imports and so long as staples of agriculture are exported we desire to have them protected by a bounty on the exports, which is the only way by which they can be protected; and this is in operation in Europe, and the need of that is in these books. The United States statistics show we exported $5,000,000 worth of agricultural machinery to the cheap land and labor countries of the world. These are catalogues of factories in Europe manufacturing agricultural machinery, and these agricultural machines are being scattered on the great steppes of Russia, Argentina, North Africa, all the parts of the earth where land is plentiful, where labor is cheap, and this is destructive of the best interests of the American Republic, injuring not alone the American Republic, but Western and Central Europe as well. I say it is destructive to American interests, and I do not speak here because I champion the cause of the farmer any more than I champion the cause of the shoemaker, but because in the history of nations there are two bodies—one a radical set of men, the progressive city men, and the conservative country men. Those two forces make a liberal Government possible, and when this force—the conservative force—is injured, it pulls down the other force and destroys liberal government——

The CHAIRMAN. The question of an export bounty is not before the committee now for consideration. If you will confine——

Mr. LUBIN. You are perfectly right. I wish to submit these books, these catalogues of manufacturers of agricultural implements in the different countries of Europe [picking up the pamphlets]. This is a French manufacturer, here is a great English manufacturer, and here you have the Hungarian manufacturer of mowers, reapers, binders, and everything we manufacture here. This is about half of the collection. These agricultural machines in the cheap land and labor countries are having the effect of destroying and lowering the world's prices, and consequently the lowering of the prices in the United States, and anything that touches the staples of agriculture touches the nonstaples of agriculture and destroys all agriculture, and so long as we have protection for manufactures by a tariff on imports which has the effect of enhancing their prices in the home market, we must in order to equalize conditions also have a bounty on exports on agricultural staples to likewise protect and enhance their prices in the home market.

Mr. DOLLIVER. What is the object in submitting these books?

Mr. LUBIN. Showing that agricultural machinery is being made there:

that the United States had a monopoly in the beginning of cheap lands and machinery, and that this machinery is now not alone being exported at the rate of $5,000,000 annually to the cheap land and labor countr es, but millions of dollars' worth are now being made in Europe and scattered to the cheap land and labor countries, breaking down the prices of the staples of the country permanently. At Budapest there was a conference of about three hundred representative men of different countries of Europe and they came to the same conclusion, that there is possibly no way by which the world's prices of staples can be permanently enhanced. They said whatever measure was adopted to raise the prices of the staples of agriculture would only encourage the products of the cheap land and labor countries. Wherever there is a higher or lower civilization, whatever the higher civilization raises the lower civilization raises, and the lower civilized races are no match for the higher, but if machinery and capital be owned and the land had almost for nothing, machinery then gives them augmented power to destroy the difference.

Mr. Lubin submitted the following paper:

I appear before your honorable committee as the representative of the views on protection and new tariff legislation of a large body of farmers of the United States, especially of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, these State granges having formally indorsed the views to be presented. In addition to these, there were also formal indorsements by the Chambers of Commerce at San Francisco, Portland, Oreg., and Seattle, Board of Trade at Bath, Me.. the Farmers' Congress at Atlanta, Ga., the Federated Trades and Labor Council of Chicago, Atlantic Coast Shipowners and Shipbuilders at the Maritime Exchange in Philadelphia, a joint meeting of the representative leaders of the National Grange and leading commercial interests, the Republican State platform of California, and by a large number of petitions forwarded on to both Houses of Congress during the last session. All these are my credentials as to representation.

It is now in order for me to present thoroughly and clearly the views to be submitted. This I will endeavor to do as briefly as possible.

Before stating what measure of protection or just what tariff rates would be satisfactory, I deem it in order to state first just what kind of protection or tariff rates would be unsatisfactory.

Speaking for the people whose indorsement gives me the right to say I represent, I would say that under the present system of protection, first, when limited to a tariff on imports, we would not be satisfied with the rates as they now are; second, it would also be unsatisfactory if they were lowered; third, it would be equally unsatisfactory if the rates were raised.

What we object to and protest against at this time is not the rates, but the system of protection when limited to a tariff on imports. As is well known, duties are not so much levied for the purposes of revenue as they are for the purpose of protection. This is made clear when a review is made of the Reports of the Treasury Department Statistics of Finance and Commerce, No. 2, for 1896–97. The last five entries on page 253 show that for the past five years about 54 per cent was merchandise entered on the free list and about 46 per cent was dutiable. For 1896 there was entered free $368,897,523, and the dutiable was $390,769,561. A further review of the following pages up to page 299 will clearly indicate the true purpose of the duty. The items are discriminatingly chosen—not for their revenue value, but for purposes of protection.

It is also clearly evident that for purely revenue purposes the items on the free list would serve the better purpose and would bring any necessary revenue for Government expenses with less cost and to a greater certainty. It is therefore clear that the dutiable items are selected primarily for the purpose of protection.

Why this discrimination? What is it intended to effect?

In former years it was said that protection was intended to aid the upbuilding of manufacture. This having been done, the old cry has been abandoned for a new one, which is, "Protection for American labor against the competition of the pauper labor of the world," or, as the Philadelphia Ledger puts it, "That measure of protection which will equalize for the benefit of our capital and labor the difference between the wage rates paid abroad and those paid here in kindred industries."

Since this system is now in operation, it is in order to inquire whether it produces the effect aimed at. Does it protect? It certainly does and not alone to the extent of the duties collected but with the additional compounded profits of middlemen added to it.

Taking these profits at 15 per cent for the importer, 20 per cent for the jobber, and 25 per cent for the retailer, we find that for 1896 the duties collected were $157,013,506. Add 15 per cent for the importer's profit on the duty and we find the imports artificially enhanced above the world's price $23,552,025, which when added to the original amount makes a total cost of duty and importers' profits on duty of $180,565,531. Now add 20 per cent for jobbers' profits on the duty, and the amount is $36,113,106, which when added to the jobbers' cost for the duty, swells the total to $216,678,637. To this add the retailers' profit of 25 per cent, making $54,169,659, which when added to the retailers' cost of duty, makes a grand total cost for duty to the consumer of $270,848,296.

Let it be understood right here that the figures with the additional profits are not for goods or labor on them or for costs of transportation; they simply are the direct result of the protective system. If there were no protection there would be no $270,848,323 to pay by consumers on imports of these goods. They would be sold here at the world's free-trade prices.

But, say some, where would we get the money to pay for Government expenses? The answer is clear; it can be had by collecting revenue for revenue's sake purely, by levying a corresponding duty on the $368,897,523 now on the free list.

But what difference would that make to the consumer, seeing that the middlemen's profits would likewise be added to these?

It would make a great difference; it would compel all home manufactures to be sold at the free-trade world's price, the aggregate artificial enhancement on which is very much greater than the duty and the profits added.

This much greater sum, together with the duty and the profits thereon, is the real cost of protection.

The protective tariff itself is but the wall behind which it becomes possible to artificially raise wages, interest, profit, rent, and incomes in all industries and occupations excepting in the production of agricultural staples. These, as is well known, by reason of its necessary surplus, are sold for export and for home use at the world's free-trade prices.

There was a time in the history of this movement when this was denied, but it is no longer so, except it be by the secretary of the Home Market Club.

Even so strong a protection paper as the Philadelphia Ledger, in its issue of December 23, plainly says:

> The United States is an exporting nation and there is no protection for the farmers and growers of staples who supply the preponderating amount of the exports.

So, then, if agricultural staples can not be protected in the home market by a tariff on imports, it must necessarily follow that they are in direct competition with the staples of the world. Protection in this instance fails to operate. Some, seeing this defect, deny that it is the intention of the protection party to exclude agricultural staples from the benefits of protection. These seem to be sorry that the tariff on imports can not act protectively on this industry.

In Washington, on the Columbia River, there are huge revolving wheels for catching salmon. At regular intervals there are paddle boxes which in revolving catch the fish and land them in a receptacle on the bank of the river. Of what use would it be to have a reverse set of boxes attached to the fish wheel? Of no use whatever, for a fish could not be landed that way in a thousand years.

Can we not truthfully say that a tariff which protects manufacture and can not protect the staples of agriculture is like a fish wheel having front and reverse paddle boxes, and that in this case the manufacturer has the side which lands the fish while the farmer stands waiting? This would, perhaps, be a good joke if it were not so costly. The failure of the protective system to operate for the farmer is not alone a denial of privilege which renders this system paternal class legislation pure and simple, but it does much more, it lifts the artificial fiat values from the shoulders of all directly or indirectly protected in the United States, together with the accumulative and compounded profits thereon, and lands them squarely on the shoulders of agriculture, not merely on the producers of agricultural staples, but on all agriculture. For, ultimately with the decrease of the area of cultivation of the staples by reason of decline in prices and increase of the nonstaples, all agriculture is brought down to a free-trade level.

The following example will illustrate the operation of the present protection system: Let A and B enter into copartnership. Let A's assets be Mexican dollars, which B is to accept, not at their present market value, but at United States coin rates, but B's assets must be of an equal number of dollars in gold. Now, compel B to withdraw only Mexican dollars, at United States dollar rates, and give A the privilege to withdraw United States gold coin, and what would happen? Anyone can see that B would be cheated, and, in the end, ruined. Now, what difference is there between this example and the system of protection now in operation? Does it not place the products of the farmer into the hands of the protected at free-trade prices? And does it not likewise compel the unprotected farmer to pay protection prices for all labor and necessaries (excepting staples)?

Upon close inquiry it will be found that a leading incentive to our present protection system springs from a desire to ameliorate the condition of workingmen, especially those in large manufacturing centers. The claim is broadly made that unless they are protected wages would come down to the world's level.

The claim is frequently made, especially in campaign times, that labor is the conservator of our Republic; hence labor is the right arm of the nation. There is, in fact, no more truth in this statement than there is in the claim that farmers are nature's noblemen. As a matter of fact, the average farmer is no more nature's nobleman than is the average

shoemaker, barber, or hod carrier. It is, however, a fact, and a fact throughout history, that the independent farmers of a nation when permitted political privileges are the conservators of liberal governments. They are conservators, not because they are nature's noblemen, but because they are conservatives. They are conservatives because their isolation, their environment, makes them so.

Citizens of cities, on the other hand, are radicals and progressionists. They are so because of the greater density of population in which they live and because of their environments.

Whatever the opinions may be as to the question of superiority of one body of people over another, whether the laborer be the right arm of the nation or whether farmers are nature's noblemen, it does not follow that we must by an unjust protective system help "the right arm of the nation" to seat himself on the chest of "nature's nobleman."

Viewing this matter purely from the point of justice and equity, it follows that if we must protect A we must at the same time protect B. If we find that B can not be protected, it follows that we should not then protect A.

Many statesmen while admitting this proposition as an axiom in equity, are inclined to reject it on the ground of expediency. They claim that it is impossible for legislation always to travel in the narrow path of equity. Their sense of equity is tempered by expediency. Very good. We now propose to argue our case from the point of view of expediency. It may have been expedient in times past to borrow, as it were, from the farmer a portion of his resources for the upbuilding of manufactures. When this was done land in competing countries was high, whereas here it was cheap. Later on it may also have been expedient to take from him a portion of his resources and distribute it in the form of protection, as the Ledger says, "which will equalize for the benefit of our capital and labor the difference between the wage rates paid abroad and those paid here in kindred industries." That was at a time when land was still cheap and when our farmers were the almost exclusive users of agricultural machinery.

Unfortunately for the present system of protection these former advantages are gone never to return. Land is no longer cheap, and agricultural machinery is now being used in the cheapest land and labor countries of the world. As an evidence of this I will quote from the Yearbook United States Department of Agriculture for 1895, page 68:

> The struggle to obtain for the offerings of the American farmer the markets of the globe is fiercely carried on between him and every other farmer in all the world. They are brothers in agriculture, as were Abel and Cain, bringing the fruits of the ground for approval. He who brings the best and cheapest will find approval in welcoming purchasers and remunerative prices.
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> Competition is fiercer every year. American inventions, improved implements and machinery for saving labor on the farm and for saving the fruits of that labor are exported to Africa, Europe, South and Central America. Thus our own recipes and contrivances for cheap production are used abroad to strengthen the abilities of foreign farmers to contend with our own in foreign markets. Information direct from Russia, from Argentina, and from Africa tells of larger sales of American agricultural implements and machinery annually in each country.
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> Thus competition is made far more formidable by the increased use in foreign parts of our own improved machines and implements with which American manufacturers more than ever are supplying them.

This portion of the report of the Secretary of Agriculture is correct so far as it goes, but it does not go far enough. He mentions the competition of American agricultural machinery exported to the cheap land and labor countries, but no mention is made of the many factories now

operating in Europe producing agricultural machines, mostly for export to the cheap land and labor countries, which are the direct competitors of the American farmer.

During the months of June to October of this year I visited Europe for the purpose of gathering information on this question. Factories for the manufacture of agricultural machinery were visited, and a collection was made of their price lists and catalogues. These are here submitted for the consideration of this committee. As they are illustrated, there will be no necessity to become familiar with foreign languages in order to make out what these catalogues mean.

Here in almost every one of these books you will see illustrations of reapers, mowers, seed drills, cultivators, thrashing machines, harvesters, engines, pumps, everything wanted in all branches of agriculture. Compared to the capacity of these factories, our $5,000,000 annual exports of agricultural machinery and implements are insignificant in amount.

There is a strong probability that the Clayton and Shuttleworth Company of England and Austria turns out annually as much if not more than this amount alone. Next to this concern is the Eckert Company of Berlin, whose capacity was more than doubled since I last visited their factory in 1888.

I submit these catalogues to the committee in the hope that they may serve to illustrate that there is a new economic world condition here.

This is clearly recognized, is clearly admitted by European statesmen and economists, not because their discernment is any keener than ours, but because they are nearer to the cause.

Mr. Chairman, I am informed that there is to appear before your committee protectionists who will urge protection to manufactures, not alone against European competition, but will also submit facts showing that we will soon be threatened by Asiatic competition as well. They will probably inform you that the wage rate in Japanese cotton factories is 8 cents a day for men and 5 cents a day for women operatives. They will perhaps inform you that "in 1887, while the percentage of cotton yarn produced in Japan was 18 as against 82 per cent imported, in 1893 the proportion had changed to 71 per cent produced in Japan against 29 per cent imported from abroad" They may tell you, and truthfully so, that we are on the eve of a new era in manufactures; that the supremacy of our wage earners over the unnumbered hordes of Asia will be at an end, and that free trade, together with the employment of machinery by the coolie, would level us down to the coming world level. And, Mr. Chairman, when they tell you all this they will not be far from the truth. The time is almost here when neither bullets nor ballots are to decide. Final decision in the near future is to be by the means of production by machinery, and that nation, that people will get the world's job of work who will do the best work for the least money. And will not the almost automatic machine respond as readily to the efforts of a coolie as it does to those of a trades-union workingman?

All this and more to the same effect will probably be said, but after all, Mr. Chairman, what are the facts? It is true that we are threatened in manufacture by Asiatic competition; there is no doubt of it. But after all a threat is not so real as a present fact, a reality. Manufacture is threatened, simply threatened, but agriculture is already affected. That condition which they predicate, which they prophecy as soon to affect manufactures, is already here for agriculture. While manufacture sees its danger from afar, agriculture is in the midst of the combat. The struggle, as Secretary Morton truthfully says, "is

fiercely carried on between him (the American farmer) and every other farmer in all the world."

As an example illustrating the operation of the law which has produced and is intensifying the new economic world condition in agriculture, I quote the following from the Textile Manufacturer, London, September, 1896, "Cotton cultivation in the Caucasus":

Cotton was the first agricultural product of the Caucasus which drew the serious attention of Russian capitalists to that country.

Since about the year 1880 one important Moscow house has sent thousands of pouds of the best American seed to the Caucasus, distributing it everywhere gratis, with instructive pamphlets on the subject, translated into the language of the country.

At first this experiment did not seem to have much effect, but in reality it marked the opening of a new era for the industry, and it induced the Government to place at the disposal of the chief centers of cultivation American cotton gins and saw gins.

In 1885 other prominent firms of Moscow and other towns took up the question, establishing in Erivan their agencies, supplied with the best machinery of all kinds and the best foreign seed, furnishing instruction gratis, teaching the people the use and management of the machinery, and placing it at their disposal when they became expert at it; and, moreover, buying up all the crop either for their own factories or for resale.

The peasants, thus freed from anxiety as to sales and from the heavy preliminary expenses with regard to machinery and transport, adapted themselves more and more to the new mechanical appliances, and endeavored as much as possible to extend the industry wherever the land was found to be suitable. The firms above mentioned, finding the soil of the transcaucasus in many parts so well adapted to cotton planting, did not stop at Erivan, but endeavored to induce the peasants in all parts to make experiments, at the same time favoring them in every possible way, so that while in the year 1884 Erivan produced but 98,920 pouds[1] of cotton, in 1890 this amount has increased to 600,000 pouds; for in the intervening years nothing but cotton was sown in fields that had hitherto produced rice, sesame, and other grains and seeds, and even the roads were now transformed into cotton-bearing land.

The general result of private and State initiative has been that, while in 1894 the whole of the transcaucasian crop amounted to 98,920 pouds, in 1894 it reached 1,028,493 pouds.

Among the different qualities of upland seeds those which yielded the best results from experiments made were the seeds of North and South Carolina, Tennessee, Virginia, Missouri, and Arkansas.

The Government contributed no little to the development of the industry by distributing gratis a better quality of seed imported from abroad, and by introducing the best class of machinery.

The general result of private and State initiative has been that with this condition in agriculture and manufacture confronting us can there be a question as to protection?

And if there is to be a preference, a discrimination, as to who shall receive protection, can we honestly or justly at this time decide to protect manufactures and leave agriculture unprotected?

If protection is to prevent direct competition against our capital and labor by pauper nations, let us ask them who it is that competes against pauper labor. Is it the workingman who competes against the English, German, or French workingman, or the farmer who now competes on an equal level with the ryot, cooly, fellahin, moujik, or peon?

It was unquestionably good statesmanship for the founders of the Republic to advocate a limited measure of protection for the purpose of bringing into life and vigor new manufacturing industries.

These statesmen well knew that the cost of protection to manufactures would be an indirect tax on agriculture. But they concluded, and wisely so, that at that time agriculture was strong enough, rich enough to stand a temporary strain.

At that time agriculture was strong and rich in its new lands, which it obtained almost for the asking. It was strong and rich in its much

[1] One "poud" equals 36 pounds.

greater net returns, and it was rich and strong when it had no such pauper labor countries to compete against as it has now.

And even then, would these statesmen have advocated protection on the plan of perpetual enhancement of manufactures at the perpetual expense of agriculture? No. The new cry which protection took up has no root or foundation in the original idea. Nor do we find that frankness among modern statesmen that we do in the arguments of the founders. These latter frankly admitted that protection was a burden on agricultural staples, and which was intended to terminate on limitation, while some of our contemporary statesmen put much of what the Greeks called sophisms into their arguments.

Sometimes they stoutly maintain that a tariff on imports does protect agricultural staples, notwithstanding they are exports sold in a world's auction. When driven from this, they claim indirect protection for agricultural staples, when, however, it is shown that any indirect protection which would raise the home price of these staples must at the same time and to a like degree raise the world's price, and thus stimulate foreign competition and an ultimate lowering of the world's price. When this is shown, they waive the indirect idea, and go in for direct protection of such agricultural products as we import. When it is shown that such protection only adds to the burden of the producers of wheat, corn, cotton, tobacco, hops, or dairy products, they propose diversification. And when it is shown that diversification only tends to bring the nonstaples down below a profit point, they talk of bounties on production of sugar. When told of the great cost and meager results of bounties on production and the low world's price which sugar now commands, they come to a stop, and say that we are all wrong and that they are right, and some day they will get economists who will demonstrate this.

And yet with all this, agricultural staples are unprotected. Shall they remain unprotected so long as the present cry of protection shapes the protective policy?

By what law of equity, by what law of justice, and by what law of expediency shall they remain unprotected so long as manufactures are protected?

Can anyone tell? And if they are not to be unprotected, then we must protect them. But how? Shall it be by a tariff on imports? No; even the Philadelphia Ledger says this is useless. What then—is there a way? Yes; there is a way, and that is by an export bounty.

An export bounty is a well-known method of protecting the home market of such products as agricultural staples in countries exporting them who at the same time have protection to manufactures. This double system was in operation in England for over one hundred years. It is now in successful operation on sugar in almost all European countries, and is in operation on flour in France and Hungary.

It is in operation in the United States under the name of drawbacks to manufacturers, who receive an export bounty of 99 cents on the dollar from the Government duty when imported raw material is manufactured here and exported.

But some protectionists are opposed to bounties on general principles. Very good; that ends protection altogether, for protection by a tariff on imports makes the American producer of agricultural staples the greatest bounty payer on the globe.

Some protectionists deny this, among them that stalwart protectionist, the editor of the Home Market Bulletin of Boston, the secretary of the Home Market Club, which is an adjunct of the Tariff League.

Some eight or nine months ago the Home Market Bulletin contained page after page of editorial reviews in which the editor labored hard to show that an export bounty was not protection, and that protection by a tariff on imports did not raise the price of manufactures in the home market.

The writer, to convince him that he might be mistaken, took as an example a George Wostenholm IXL knife, which he imports at 13 shillings a dozen, bought in Sheffield, England, and which by the McKinley tariff is on the tariff list at $2 a dozen and 50 per cent. Adding this, together with the profit of importer, jobber, and retailer, placed 52 cents fiat or Congressional legislation value, in addition to the 48 cents or real world value at retail, on the knife.

The writer asked the editor to go to the importers, jobbers, manufacturers, and retailers of Boston and see if this could be refuted. From that time on I am not aware of the fact that he has done so, or that he has since then tried to show that protection to manufactures by a tariff on imports was not a scheme to make the farmers pay bounties. And if farmers are compelled to pay bounties and the protected are not bashful enough to receive them, on what ground, then, can they refuse to pay them to the farmer? Only on the ground of selfishness, pure and simple.

Our protectionist friends have time and again accused the leading movers of this proposition of being free traders masquerading under the guise of protectionists.

That many heretofore free traders have been won over to this cause is true. That there is masquerading is not true. The writer of this is a believer in protection—in a just and equitable protection; in protection for A and B of our country against A and B in foreign countries. He is, however, strongly opposed to a system of protection for A at the expense of B—for manufacture at the expense of agriculture. He is opposed to such a system because he believes it to be unjust, inequitable, and, at this time in the world's economic history, inexpedient, and which, unless rectified, must bring national decay.

Much of the effectiveness of a paper like this must depend upon its conciseness; notwithstanding, we find a number of repetitions under the head of "A new economic world condition." This is intentional and as a mode of emphasis.

Not until the importance and the relation of this phase of the question is understood and its bearing appreciated, not until then will the people see the danger—the social, economic, and political danger in the continuation of a policy which drains the American farmer of his strength, especially at a time when this new economic world condition and its destructive reaction upon American agriculture is upon us.

If ever there was a time when this question should be understood, should be mastered, that time is now, before irreparable damage has been done to the Republic. It was the custom in Rome for the Tribunes of the people to announce in the Forum these words: "See that the Republic receive no harm." This was said at a time when in the judgment of the tribune there was impending danger. And is there no impending danger? Can we shut our eyes to this new economic world condition in agriculture which in its operation diminishes by leaps and bounds the former income of the American farmer? Can we under such a condition maintain a fiscal policy and a protective system which in its operation but aids the destructive tendency of the new-world condition? There are some who say we can; but these can not truthfully be numbered among patriotic or loyal American citizens.

While in Europe, the writer of this paper, having been provided with letters of introduction and recommendation from Secretary Olney and others authorizing our diplomatic agents to aid him in his investigations, held a series of conferences in various countries. Space will only permit a short synopsis of a few.

In Berlin a conference was held between Baron von Hammerstein Loxten, the minister of agriculture of Prussia, his secretary, and the writer of this article. The Baron kindly directed his counseling economists, Dr. Max Sering and Dr. Schumacher, to meet the writer in conference. Subsequently Herr Wilhelm Turcke, manager of H. F. Eckert's factory of agricultural machinery of Berlin, Germany, was invited, and the conference took place. The proceedings were taken down in shorthand, of which the following is a synopsis:

BERLIN CONFERENCE.

BERLIN, *August 6, 1896.*

Mr. LUBIN. The first question I would like to ask is: Is agriculture really suffering from a depression of prices of its staple products and is this depression limited to a single country?

Professor SERING. The depression of prices is undoubtedly international, although one country may suffer more than another.

Mr. LUBIN (to Manager Turcke). I am informed that you are at the head of the largest concern in Germany manufacturing agricultural machinery and implements. Do you sell your machinery in Germany only, or do you also export to such important wheat-exporting countries as, for instance, Russia or Argentina?

Manager TURCKE. You are right in assuming that the concern which I manage is the largest establishment for the manufacture of agricultural machinery in Germany. We export considerably to the La Plata States, Roumania, South Africa, Australia, and Russia.

Mr. LUBIN. Are you able to state from your experience what influence the introduction of agricultural machinery has exercised on the development of countries with cheap land and labor regarding the production of large export quantities of staples?

Manager TURCKE. Experience has shown that by the introduction of improved machinery countries with cheap land and labor have raised staples for export and have entered the competitive arena, which, before the advent of machinery, did not export.

Mr. LUBIN. What influence would it have on countries with cheap land and labor if it were possible to withdraw all agricultural machinery introduced into such countries in the last fifteen years?

Manager TURCKE. The production of staples would, without a doubt, decrease.

Mr. LUBIN (to Dr. Schumacher). What influence has improvement of locomotion and communication had on the increased production of staples?

Dr. SCHUMACHER. The improvement of postal arrangements, telegraphic and cable connections, automatic annunciators at exchanges, hotels, and other public places, enabling the whole world to know market quotations almost at the same time, have no doubt exercised considerable influence on the staple exports of countries with cheap land and labor.

Mr. LUBIN. Have all these modern facilities contributed to the increased production of the staples?

Dr. SCHUMACHER. Certainly, to a large extent.

Mr. LUBIN. Do not the traffic facilities referred to and increased use of machinery, especially in cheap land and labor countries, furnish a sufficient explanation for the price depression?

Professor SERING. No, not alone these but other causes must also be taken into consideration. I shall refer to the most important one only. Railroads have lowered transportation rates; but they and steamships were the main factors in helping to colonize new countries; by this colonization, some of the countries with cheap land received cheap labor. During two of my visits to the West of the United States, I was able to observe that the American farmer is suffering severely from the price crisis, because he, with living expenses under which a highly cultivated population can only exist in a manner worthy of human beings, can not bring his cost of production to the low level of his competitors with cheap land and cheap labor. The present depression of prices originates, therefore, from the competition of such countries as Argentina and Russia, whose laborers and peasants require but little for their subsistence.

The great danger threatening the farmers of central Europe and western America, with their high civilization and high mode of living, is the farmer of the lower civilized countries, with his low mode of living. The latter's competition with his staples in the markets of the world brings the first down to the level of the poor Italian colonist in Argentina or the poor peasantry of Russia.

Mr. LUBIN. Is not a country producing less than it consumes (I mean in agricultural staples) able to protect its agriculture in the same manner as its manufacturing and other industrial interests, by levying import duties and thus raising prices?

Professor SERING. Undoubtedly it is.

Mr. LUBIN. Can a country producing a surplus over its own need (in staples) also protect itself by import duties?

Professor SERING. This to me appears to be totally impossible.

Mr. LUBIN. Many politicians and economists in America would not agree with this opinion of yours and would doubt your reputation as an economic expert, because it is their belief that a staple-exporting country also may protect its staples by import duties.

Professor SERING. You will kindly permit me, then, to give you my reasons for the opinions I hold. An import duty can only influence the home market of a country, because the duty enhances the prices of such goods only which are de facto brought into the country, and through it artificially raises the prices of the same class of goods produced in the country in question. Therefore, if a country produces a surplus of staple products in such quantities and of such a quality that there does not exist any economical possibility of importing them from foreign countries, a duty on such staples would seem perfectly ridiculous. Furthermore, such a duty would be valueless, as the home price for such staple products positively depends on the world's price; for it is an assured fact that whenever production is at the export point the home price of staples is then the world's price minus freight to the central point of distribution. If your politicians hold a different opinion, I beg you to state whereon it is based.

Mr. LUBIN. One class of economists hold the opinion that any kind of goods may be protected by import duties, but do not state their reason for this opinion. Another class maintains that only manufactures and not staple products of agriculture may be directly protected by import duties, but claim that by thus increasing the purchasing power of those who belong to or work for protected industrial interests (such as workingmen, foremen, contractors, skilled labor, etc.) they indirectly protect the producer of agricultural staples by reason of increased consumption. What do you say to this statement, Professor Sering?

Professor SERING. I need not deal with the first class, as those belonging to it do not or are not able to offer any reasons for their belief. With the second class I agree in so far that to a certain degree a strong and protected industrial development is certainly able to develop a good home market for nonstaple products, such as vegetables, dairy products, etc., even in countries which export staples. But it must, on the other hand, be considered, (1) that most farmers are compelled to earn their chief profits from staple products; (2) if the prices of staple products are constantly decreasing, the nonstaples will soon follow suit by virtue of the fact that the farmer who hitherto only raised staples will enter with nonstaples upon the home markets and by this competition depress the price of these. This condition obtains at present in Germany, and has proven very disastrous. The American farmer has therefore not the slightest profit from an import duty, not even an indirect profit; the result is, he bears the burden, but reaps no benefits of the protective-tariff system.

Mr. LUBIN (to Dr. Schumacher). Do you agree with the opinion that articles of export can not be protected by import duties?

Dr. SCHUMACHER. I do.

Mr. LUBIN (to Manager Turcke). Does not the German import duty enable you to sell your agricultural machinery dearer in Germany, your home market, than in Russia, your export market?

Manager TURCKE. In general, it does.

Mr. LUBIN. Is this not the same with unprotected agricultural products of the United States. Is it not possible to sell dearer in the United States and cheaper in foreign countries?

Professor SERING. There is a difference, and, namely, the one, that there is no possibility of importing staple agricultural products into the United States, because it produces more of these staples than its own population is able to consume. The home price is therefore regulated by the world's price, say at Liverpool, Antwerp, etc., deducting freight and expenses, of course. But as far as duty on wheat is concerned, which is supposed to protect the farmer, it is bosh, for no such staples are brought into the United States by foreign producers. Manufactures are sold at private sale, and prices are privately regulated higher to one person or locality and lower to others, whereas agricultural staples are sold at international prices.

Mr. LUBIN. Do you agree with these statements?

Dr. SCHUMACHER. I do.

Mr. LUBIN. If this is correct, then the farmer is only injured by the protective tariff. He is taxed, oppressed, and underpaid for the benefit of the industrial and manufacturing interests. Mr. Turcke, how much are the wages of skilled labor in your factory?

Manager TURCKE. Three to five marks per day.

Mr. LUBIN. In case such wages could be increased to $2 to $4 per day by a protective measure, would not the laborer in this case be enabled to consume twice as much of the home agricultural staple?

Manager TURCKE. I certainly am of the opinion that increase of wages would bring about increased consumption of agricultural staples, but so long as they are exports, the production will only bring international prices in the home market.

Mr. LUBIN. Does not economic justice and equity therefore demand the protection of agricultural staples by an export bounty in protection countries producing a surplus for export so long as the industrial and manufacturing interests are protected by tariff duties?

Professor SERING. I do not deny that that would be the logical demand of the American farmer.

Mr. LUBIN. Mr. Turcke, have you a personal knowledge of the matter under discussion? In what countries did you gain your experience?

Manager TURCKE. As to your first question—yes. My knowledge on the subject under discussion was obtained in Roumania, South Africa, and especially in Russia.

Mr. LUBIN. During how many years have you collected personal experience in Russia?

Manager TURCKE. During twenty years.

Mr. LUBIN. Are you able to make a short statement on the progress of agricultural staples in Russia?

Manager TURCKE. It is generally admitted that Russia has made immense progress in the production of agricultural staples during the last twenty years. I would like to draw your attention to the fact that in the course of time the production has veered around to the south, southeast, and east of Russia, where cheap land was to be had. At present we observe that the movement of agricultural production is extending even farther over the Volga, and it is only a question of time when southern Siberia, as well as Transcaspia, will enter into the world's competition.

Mr. LUBIN. Is agricultural machinery imported into and applied largely in Russia?

Manager TURCKE. Progress of Russian agriculture is in close connection with progress of applying agricultural machinery.

SYNOPSIS OF A CONFERENCE HELD AT THE MINISTRY OF AGRICULTURE AND COMMERCE OF ITALY, AT ROME, ITALY, OCTOBER 6, 1896.

Present: Giovanni Carlo Siemoni, inspector in chief of forests, attached to the ministry of agriculture and commerce of Italy; Ghino Valenti, professor of political economy at the Royal University of Rome and secretary-general of the society of Italian agriculturists; Mario Marro, professor of rural economy at the Royal School of Engineers of Rome; Hon. Wallace S. Jones, consul-general of the United States to Italy; Cav. Dr. Ernesto Chiaradia, of Rome; David Lubin, of Sacramento, Cal.

Q. (By DAVID LUBIN.) Have the prices of agricultural staples fallen within the past three or four years in Italy?

A. (VALENTI.) No.

Q. Have the world's prices fallen?

A. (SIEMONI.) Yes.

Q. Since the world's prices fell, and the Italian did not, were the Italian prices maintained at a high rate by the protective tariff?

A. (SIEMONI.) Yes.

Q. Could your tariff on imports have protected these products if you had produced a surplus for export?

A. (SIEMONI.) No.

Q. If you had protection to manufactures by a tariff on imports, and if you produced a surplus of agricultural staples for export, and you desired to protect agriculture so long as manufactures were protected, how would you, in that event, protect agriculture?

A. (All.) By a bounty on exports.

Q. What, in your judgment, has been the cause of the decline in the world's prices of agricultural staples?

A. (VALENTI.) Increase of production.

Q. In your judgment as economists, will there be in the future an increase or a decrease in the world's production?

A. (SIEMONI.) Increase.

Q. In what portion of the world was the increase in the past few years, and in what portion of the world may we expect such an increase?

A. (All.) Where land is cheap and agricultural machinery is employed.

The effect of the decline in prices of agricultural staples and its destructive tendency is felt as keenly in the central and western European countries as it is here, and as a result in almost every European country there have been held conferences for inquiry into the cause of the depression and for suggested remedies.

The writer was appointed delegate to one of the most important of these conferences, which was held under the auspices of the Austrian Government at Budapest, September 16–20.

It was called the International Agricultural Congress. There were present several hundred delegates, largely economists and statesmen, and the principal European countries were officially represented by delegates of high official rank.

Almost the entire field of fact and hypothesis was gone over, and it appeared to be the general sentiment that no action could obtain, by the single or united efforts of government, which would have any permanent effect in raising the world's price of agricultural staples to the former and higher level. Nor was it deemed possible to even prevent the world's price from sinking lower. It was also pointed out that any device or method which would at this time raise the world's price would in the end defeat its own purpose.

For, increasing the average profit would but accelerate production in countries where land and labor were cheapest, and where machinery was employed. This in turn, it was claimed, would only tend to lower the world's prices permanently, and besides practically transfer this industry to the cheap land and labor countries.

From all this it is evident that there is, as it were, a race being run by the farmers of the United States and those of western and central Europe on the one hand, and the agricultural producers in the cheap land and labor countries of eastern Europe, Asia, Africa, and South America on the other—a race which, in its practical operation, enables the cheaper land and labor countries to secure to themselves the victory which must always be theirs so long as they can supply the world with the same quality and at a lower price.

The law of open competition, when not interferred with by restrictive measures, must award the "job" to the lowest bidder, and it is the operation of this law which has so seriously affected the farmers of central and western Europe and of the United States.

And as we have seen, there is no way of preventing a continuance of this competition. There is, therefore, left but one course of action on the part of the governments adversely affected, and which is to rectify any abuse of its power in burdening agriculture with unjust taxation. This the European governments are doing. In protection countries the tariff is raised in proportion as the world's price declines. This remedy, however, is only effective in countries producing no agricultural surplus for export. Protection countries, which are exporters of these products, can not remedy matters by simply raising the tariff. Such countries can only render justice to agriculture by a real and genuine protection in the form of an export bounty, or by the absolute abolition of the protective system.

One or the other must be done if we wish to save the American farmer; and unless we do this promptly, we, by our refusal to do justice, may thereby drive the farmer to ruin.

Nor will the American farmer mildly, patiently, or quietly go to ruin. It is evident that in his going he will carry with him the Republic.

The writer of this is no alarmist or radical; on the contrary he is strongly conservative, and as such is impressed with the significant lesson of the recent Presidental campaign. It was an object lesson

which should be profited by. The struggle was hard, but the victory is here; this may satisfy the thoughtless. Let the thoughtful consider that the victory is due to the joining of forces by opponent parties, and that such an event may not occur again. Nor is the claim that victory is here founded on substantial fact. Where is the victory? What victory?

It is true that we have elected McKinley; but this in itself solved nothing, and nothing will be solved until legislative inequity and injustice is removed from the American farmer.

The following correspondence will no doubt be read with interest by this committee as having an indirect bearing on the subject-matter under discussion:

OFFICE OF THE MASTER OF THE STATE GRANGE OF PENNSYLVANIA,
Centerhall, Pa., December 16, 1896.

DAVID LUBIN, Esq.,
1722 North Eighth street, Philadelphia.

DEAR SIR AND BROTHER: Hon. Girard C. Brown, of Yorkana, Hon. Frank Moore, of Pittsburg, and yourself have been appointed a committee to appear before the National Manufacturers' Association at their coming annual convention in Philadelphia.

As ex officio chairman of committees I will attend and aid the committee in its efforts in behalf of a protection system which shall be just and equitable.

As you are in Philadelphia, you will kindly call upon the president or committee of the National Manufacturers' Association and request a hearing for us and in the name of the State Grange on the subject of our resolution.

Please notify me as to the results.

Fraternally,

LEONARD RHONE,
Master State Grange of Pennsylvania.

On receipt of the above it was handed to the President of the National Manufacturers' Association during a committee meeting, who read it to the meeting and called upon the writer of this to explain the nature of the request by the grange, limiting the remarks to ten minutes.

The committee was then told that it was the desire of the State Grange committee to appear before the National Manufacturers' Association in order to effect a joint effort in obtaining protection; not protection limited to a tariff on imports, not protection for manufactures at the expense of agriculture, but protection equal and just for and between both interests. That so long as manufactures were protected by a tariff on imports, agriculture should be protected by a bounty on exports.

At the conclusion of the remarks there seemed to be a general disapproval, and the chairman and others mildly protested at the charge which was made that manufacturers of their association were protectionists by citing names of some members who were free traders. The committee, however, promised to carefully consider the matter, the conclusion of which is in the following resolution:

NATIONAL ASSOCIATION OF MANUFACTURERS
OF THE UNITED STATES OF AMERICA,
OFFICE OF THE PRESIDENT,
Philadelphia, December 30, 1896.

Resolved, That while we desire to deal with all the industrial organizations of the country in the spirit of courtesy, and are not antagonistic to any of them, we deem it impracticable to introduce the subject presented by Mr. Lubin to the convention of the National Association of Manufacturers.

As the correspondence, as it were, speaks for itself, it is not deemed necessary to comment upon it.

The question often asked on the proposed export bounty plan is, Who

will be benefited? Will the enhanced price by its operation really go to the farmer, or will it not find its way into the hands of speculators?

The answer to this is clearly set forth on page 39, House Report No. 1999, of the Fifty-third Congress, and which is herewith reproduced.

STATEMENT OF MR. GEORGE F. STONE, SECRETARY OF THE BOARD OF TRADE, CHICAGO.

Q. Mr. Stone, I desire to ask you a few questions in your official capacity as secretary of the Board of Trade of the city of Chicago. What effect would a Government bounty on the exports of wheat have, with regard to the general price of wheat throughout the United States?—A. It would, in my opinion, increase the price per bushel.

Q. It is said that the speculators would get the 5 cents bounty, or at least the greater part of the bounty.—A. If a bounty of 5 cents a bushel should be given by the Government on all wheat exported from this country, in my opinion, the farmer, or producer, would receive the full benefit of that bounty, and not the speculator or exporter. It would simply enable the buyer to pay that much more than he otherwise could pay or would be justified in paying. Competition would force him to pay all he could to the farmer to obtain his wheat. It would be for the interest of the exporter to obtain the wheat. That would be his object. Competition would force him to secure it by every possible means without loss to himself. His great object is to maintain his business, to enlarge his business. Competition would impel him, as it now impels him, to give every cent that he can possibly afford to secure the product which he seeks to export. The fierceness and intensity and volume of competition, by the very force of circumstances, by the very necessities of the case, would drive the 5 cents bounty proposed by the Government into the pockets of the farmer or producer. There it would land, and from there it could never be wrested by speculators or by anybody else.

Q. It is also said that the shipowners would get this 5 cents, or the greater part of it.—A. I believe the answer to that is fully embraced in the reply which I have hereinbefore given.

Q. It is also admitted by some that the 5 cents would come in some way to the producer for the quantity that would be exported, but that there would be no advance on the greater quantity remaining for home use.—A. It is a mistake, in my opinion, to say that the 5 cents per bushel bounty which it is proposed to give would be confined in its beneficial results to the quantity or volume of grain exported. It would affect the price of the entire crop, for the reason that grain is a surplus crop in this country, and consequently the price per bushel of this grain is fixed and controlled by the export price of this grain, and this export price, of course, I will here say parenthetically, is made in competition with all the other surplus wheat-producing countries in the world. No domestic buyer will pay one single fraction of a cent more for a single bushel of wheat than the buyer for export will pay. The latter makes the price for the entire crop. If no more were raised than was required for home consumption the price would depend upon the domestic demand; but the export demand is a continuous demand, inasmuch as the demand for food can never be interrupted for any length of time, and this continuous demand for wheat, so far as a surplus wheat-producing country is concerned, fixes the price of the entire crop of this cereal of that country. No class of domestic buyers, of course, can be made to pay any more than the price offered by the export demand, the domestic and the export demand being ever present in the market.

Mr. LUBIN. This measure of a bounty on the export agricultural staple products is intended to enhance not alone the price to the producer of the quantity exported, but also of the greater quantity at home, and is intended as a recompense, or as a means of arriving at an equilibrium between the outlay by the producer of agricultural staples for the cost to him of protection to manufacturers.

Mr. STONE. I think I have covered all the features of your inquiries in the observations hereinbefore submitted. If protection is the public and controlling policy, I don't wonder that the farmer wants the plate passed round to his table once in a while.

GEORGE F. STONE,
Secretary of the Board of Trade of the City of Chicago.

DECEMBER 20, 1894.

The following article was published in The Implement Age of Philadelphia and is submitted as an addenda to the paper presented to your honorable committee.

It enters more into detail of the proposed export bounty and offers replies to objections:

AN INTERVIEW WITH MR. LUBIN.—HOW EXPORT BOUNTIES PROTECT THE FARMER—HOW THEY PROTECT THE IMPLEMENT MANUFACTURER—HOW THE MECHANIC HELPS THE AGRICULTURIST.

Our readers will remember that in our issue of November 15 we published an address by Mr. David Lubin, which he delivered at the International Agricultural Congress at Budapest, Hungary.

The importance of the subject-matter and the interest therein prompted the editor of The Implement Age to learn more definite details and ascertain what facts warranted his conclusions. So upon his arrival from Europe the editor called upon Mr. Lubin, and the following is the result of the interview:

EDITOR. Can you briefly explain the reason why you advocate protection for agricultural staples by an export bounty?

Answer. Because these products can not be otherwise protected, even by a tariff on imports and manufacturers of agricultural implements are interested in this proposed export bounty on agricultural staples. Ten or fifteen years ago the best policy for American manufacturers of agricultural implements was in a protective system limited to a tariff on imports. To-day such a system is not alone of no advantage to them, but is, on the contrary, a detriment, because when the American farmer had a world advantage in cheaper land and the exclusive use of machinery, protection then indirectly raised prices, but now when our lands are high and agricultural machinery is employed on much cheaper lands in foreign countries there is an end to indirect protection to the American farmer.

EDITOR. Of what interest is all this to the American manufacturer of agricultural implements?

Answer. Of much interest and of the highest importance; for the value of the shares of stock and the net earnings of these manufacturers is governed by the buying power of the American farmer. A new economic world condition, fairly well recognized throughout Europe, but not yet generally known or understood in the United States. The principal element of this new condition is in the employment of agricultural machinery not alone in Europe, but in the cheap land and labor countries of the world.

EDITOR. Are not our exports of these too limited to produce this effect?

Answer. Yes; our annual $5,000,000 exports of agricultural machinery is insufficient to produce the effect, but please to take into consideration that there are now a large number of factories of agricultural machinery and implements in Europe, and as an evidence of this I submit these European price lists and catalogues of some of the leading manufacturing plants producing agricultural machinery and implements in Europe. The rapid growth of these factories is without a parallel in the industrial history of Europe.

The Eckert Manufacturing Company, in Berlin, for instance, has within the past few years again and again doubled its capacity. The Clayton & Shuttleworth Company has not alone a very large plant in England, but has a still larger one in Vienna. Nor is it without significance that there are now some eighteen factories in Hungary, almost all of recent origin, and almost all prosperous and expanding.

All this is but a natural development in the channels of supply and demand. Agricultural staples have a world price value, cheap land, cheap labor are elements in production, but not sufficient. If to these be added agricultural machinery, the advantage is manifest. This was clearly known to the European capitalist; hence one class of capitalists supplied the agricultural machines and the other class applied them on the available cheap land with cheap labor in North Africa, Egypt, European, and Asiatic Russia, the Danubian provinces, Asia Minor and South America. Nor has the limit of competition been reached, for, as you are aware, the completion of the Southern Siberian Railway will place under cultivation one of the largest bodies of arable land in the world, almost all in the production of agricultural staples, almost all of which will be surplus for export, thus lowering the world's price permanently of such products as wheat, cotton, corn, tobacco, hops, meats, dairy products, fruits, honey, hides, wool, and root crops.

These catalogues before you of European manufacture of agricultural machinery amply testify to the correctness of this conclusion, and it is also evident in the great increase of production in competing countries and our diminished markets in countries formerly tendering us paying prices.

As you see by these United States Government statistics, in 1892 we sold 6,123,517 bushels of wheat to France, in 1893 this was diminished to 2,521,057 bushels, and in 1894 it was still further diminished to 1,951,030 bushels. These statistics further show that the average annual wheat exports of Argentina increased from 2,000,000 in the quinquennium 1881–1885 to nearly 35,000,000 bushels in 1891–1895, while in

Uruguay the net exports per annum advanced from 77,000 bushels to 1,600,000 bushels. Russia's annual average exports of wheat was 76,189,773 bushels for 1881–1885, which increased to 95,336,362 bushels in 1886–1890, and still further increased to 165,581,617 bushels for 1891–1895. The average for cotton in Egypt for 1836–1840 is 30,100,000; 1851–1855 is 60,000,000; for 1871–1875 238,000,000, and the average for 1891–1893 is 449,300,000.

Secretary Morton, in his Yearbook for 1895, attributes the decline in the home price of agricultural staples to the fact that as our export and home price is the same, that as the export or world's price fell, that this caused a corresponding decline in the home market price of all agricultural staples.

He attributes as the cause of decline in the world's price of these staples to the advantage by foreign competitors of transportation facilities, rapid communication, and the use of agricultural machinery which he claims comes mostly from American manufacturers.

Comparing his conclusions with those which you see here before you from among the principal authorities of Europe you will find that Secretary Morton is correct in his statements with the exception of one particular: The American manufacturers of agricultural machinery and implements not alone do not furnish most of the machinery, but they only furnish $5,000,000 worth a year, which is hardly more—if as much—as is produced by the Clayton & Shuttleworth Company alone.

We can now safely come to the conclusion that while prices for agricultural staples may have an upward tendency for a short time, caused by drought or failure of crops in one or more of the foreign countries, that with this exception we are safe in predicting that the former higher prices for agricultural staples is a thing of the past and not likely to return.

EDITOR. But why can we not curtail the production of agricultural staples below the export point and thus protect them by a tariff on imports?

Answer. Because we use the exports of agricultural staples to pay for imports, as you will see by this circular, No. 3, United States Agricultural Department: "Of our total exports from the United States, about three-fourths are directly evolved from the farms of the Republic. Of the remaining one-fourth, four-fifths consist of domestic manufactures, the materials of which were largely furnished by the American farmers." You see, therefore, that if we curtail production of agricultural staples below the export point we would have to abolish protection in order to be able to pay for our imports with manufactures at free-trade prices.

EDITOR. But why can not farmers produce less staples which are unprofitable and produce other agricultural products which are more profitable?

Answer. Because to do so would be to the farmer like jumping from the frying pan into the fire, for you can see that an increased production of nonstaples is even more disastrous, because, being largely perishable, a declining price, caused by greatly increased home production, must also bring these as well as the staples below the profit point. The farmers of the United States are therefore confronted by a condition which, unless remedied, means ruin. How can such a condition give value to shares or a stable, profitable income to the American manufacturers of agricultural implements?

EDITOR. Can anything be done, then, which will raise the world's price of agricultural staples?

Answer. At the International Agricultural Congress at Budapest it was shown that nothing could be done to permanently raise the world's price; that any expedient which would temporarily do so would be surely followed by increased production primarily in the cheap land and labor countries, and thus lower still more and permanently the world's price.

EDITOR. Can anything be done to change the conditions in our own country?

Answer. Yes; we can do much if we will; we can lower the prices to the world's level of the things which the American farmer must buy, and thus render him common justice. If he is compelled to sell at the free-trade world's price, he should be freely permitted to pay for his labor and necessities at the world's price.

EDITOR. But this would be free trade, and we surely do not want that. It would reduce the rate of wages to the world's level, and give us not alone the European wage rate, but presently the Asiatic as well. Would that bring prosperity to the American people? You show, with good evidence, the competitive character of agricultural machinery in the cheap land and labor countries as a destructive agency of American agriculture, but omit to observe that manufacturing machinery is also being introduced into the cheap-labor countries. Circular No. 5, United States Department of Agriculture shows, that while, in 1887, 82 per cent of cottons in Japan was imported and 18 per cent was manufactured there, that, in 1893, 71 per cent was manufactured in Japan and 29 per cent was imported; that the wage rate in that country is 8 cents a day for men and 5 cents a day for women. Will not an almost automatic machine perform labor as well for a Japanese as for a trades-union workingman in the United States? Would you have our working people compete on an

equal level with the yielding, resistless, unnumbered hordes who work for 8 to 5 cents a day? Can we, then, abandon protection?

Answer. I do not ask you to abandon protection. All I ask you to do is to do justice. If you must have protection for manufacture you must, for equal and greater reasons, grant protection to agriculture; not by a tariff on imports, but by a bounty on exports.

EDITOR. Like the sugar bounty down South and in the West?

Answer. No. Such a bounty on sugar is a bounty on production and is very costly, but a bounty on exports costs little in comparison to its protective value. If, say, 30 bushels of wheat are sold for export out of 100 raised, it not only raises the price in the home market of the 30 bushels on which the export bounty is paid by the Government, but it likewise and correspondingly raises the home price of the remaining 70 bushels on which no export bounty is paid; for, as you have before seen, the export and home price is the same.

EDITOR. Why did not the export bounty on breadstuffs in England under the William and Mary Act raise the home price to the full amount of the export bounty?

Answer. Because there was a clause in the act which gave the export bounty on condition that it be shipped on a British ship, and the English shipowner had the power of taking to himself almost all its benefits, which he did, and as a result built up the British merchant marine directly, and the British navy indirectly, in place of British agriculture. The bill for an export bounty as a means of protecting the home market prices of agricultural products now introduced in Congress contains no such defects.

EDITOR. Would not such an act raise the price of these products in our country to the poor man?

Answer. It certainly would, and to the rich man too. Protection means the exclusion of cheaper prices and their necessary replacement by higher prices which protection affords.

EDITOR. Will our working people consent to pay the higher prices; that is, why should they be compelled to pay more to the farmers?

Answer. How can they refuse if they want protection for themselves? Does not the farmer pay the mechanic a duty or tax on every article manufactured; and does not the duty on manufactured articles increase their cost to the farmer?

EDITOR. Protection is only intended to protect our products to a degree high enough to offset the difference in the cost of production.

Answer. Very good; and so long as this kind of protection is in operation can you offer any objection why it should not likewise be applied to agriculture?

EDITOR. But it is; for there is a protective duty on imports of agricultural staples.

Answer. But of what use is the duty so long as a portion of them are exports, and being so, brings all this production in the United States down to the world's free-trade prices?

EDITOR. Seeing that the Treasury is about empty, how would we get the money for the export bounty.

Answer. Our imports are about $800,000,000 a year, of which about half is on the free list and the other half is discriminately taxed about 40 per cent, not because we need revenue for Government expenses, but because we want protection. Now, if there be two leading industries in a country and both are protected by a system which only operates protectively on one, but fails to operate protectively on the other, what happens? Must it not follow that the unprotected industry must pay the ultimate cost of the protective system? If this is true—and who can dispute it—it must follow that a portion of the costs of protection is in the money in the Treasury collected on duties, and which is from $150,000,000 to $200,000,000 a year. Surely, then, if agriculture indirectly contributes this and more, a portion of this can be justly applied to protect agriculture in the only efficient way by which it can be protected. Don't you think so?

EDITOR. But where will the deficiency come from?

Answer. Is there not enough to cover that from the $400,000,000 now on the free list?

EDITOR. So, then, you have come to the conclusion that it is in the interest of the American manufacturers of agricultural implements to advocate protection to agriculture by an export bounty?

Answer. Most decidedly; and just so long as there is protection to manufactures by a tariff on imports.

EDITOR. Did not the vote of the people at the last election decide for protection limited to a tariff on imports?

Answer. Certainly not; the vote only decided that the American people were not ready for some other changes—financial, for instance—but unless the unjust and iniquitous burden of a one-sided protection system be promptly removed from ruining the American farmer there is no knowing what this same farmer will do at the next election.

EDITOR. In the event of its adoption would not foreign nations retaliate by similar and other measures?

Answer. There is nothing to retaliate about. Protection by an export bounty is a measure having for its only aim the raising of the home price. It is a domestic arrangement for protection and does not raise the world's price. The protective tariff and the proposed differentiated duty on shipping offers serious objections on that head; but not so a bounty on exports.

EDITOR. Is not an export duty unconstitutional?

Answer. Yes; but we do not ask for an export duty, but for an export bounty. A duty is a sum paid to the Government; is in fact a penalty on imports or exports; an export bounty is a sum paid by the Government, and is a reward on exports. This is constitutional, and was in operation in the United States on fish exports, and for which Calhoun, a leading constitutional authority, voted. At the present time the American Line Steamship Company is protected by a large annual bounty called subsidy. But as protection now operates the American farmer is the greatest bounty payer in the world. He pays a bounty in the highest or protected price for his labor and on all things directly or indirectly protected, including domestic taxes, but he receives no more for his staples than the world's free-trade prices less cost of expenses from his farm to Liverpool, whether his product is exported or sold for home use to the protected.

EDITOR. Would not an export bounty lower the world's price of agricultural staples?

Answer. Not necessarily so, as we are but one factor in creating the surplus and many more countries are the other and much greater factor. But even in the event of a decline of a point or two, the American producer would still be ahead the 8 or 10 points greater in his higher export bounty protection. Lowering the world's price by those points would check the world's production and thus maintain prices to an average mean. This action is just the reverse of our present system of indirect protection which it is claimed by increased wage rate and consumption indirectly enhances prices, but as our prices are also the world's prices, it follows that the world's agricultural prices are indirectly enhanced by our present protective system which when granted permits a system of protection in our country at the expense of the American farmer all for the benefit of foreign farmers increasing thereby our competition. Whereas a bounty on exports would check foreign production and render profitable American agricultural industry.

EDITOR. Was not the export sugar bounty in Europe a disastrous failure?

Answer. Yes and no. It was no failure to the protection countries who gave and are giving the export bounty. These built up great and profitable industries. It was only disastrous to the West Indies, Hawaii and which drove Cuba into revolution.

EDITOR. Do the farmers appreciate your efforts in their behalf?

Answer. They do, and to the extent of a much greater number than many people are aware of. In Pennsylvania alone the 500 delegates of the State Grange, representing 50,000 farmers, on December 11 unanimously repudiated protection as it is and demanded in resolutions made public, protection by an export bounty for agriculture so long as manufactures were protected by a tariff on imports. Similar resolutions were previously adopted by the State granges of California, Washington, Missouri, Virginia, Oregon, West Virginia, Illinois, and by boards of trades, chambers of commerce and labor unions.

But this endeavor does not spring from a desire to serve the farmers any more than shoemakers or barbers. This proposition is not advocated simply because it will add to the earnings of farmers, but because it is a measure of perpetuating the Republic. Clergymen and others frequently tell us that republics are destroyed by the corruption of cities. It is nearer the truth to say that liberal forms of government come to an end whenever the material prosperity of its yeomanry is destroyed. This, not simply because they are farmers, but because their peculiar environment render farmers the conservatives they are. They are last to change the fashion of their garments, their mode of speech, their opinion in politics or religion, all this because of their environment. Now, just what a governor is to a boiler and engine in regulating its speed, so these farmer conservatives hold in check the untempered endeavor of the radical and progressive citizens of cities.

So long as there be an equilibrium of power between these two political forces then so long is a liberal form of government possible. If one of these be impaired there must follow a political disturbance, which, unless arrested, must bring disintegration and destruction. The decline is the more rapid and irresistible if the declining force be the conservative one—the farmer.

The Roman Republic was great and strong so long as the Italian farmer was independent and prosperous. When, however, Roman ambition and victories added new and vast territories to her rule; when by enforced slave labor she raised and imported foreign agricultural staples, which brought the Italian prices below cost of production, she thereby destroyed her independent yeomanry, losing the counsel and check of this conservative element—she was compelled to rely upon military

force to keep in quiet the unruly and then ungovernable radicals and progressionists of the cities. And so Rome fell!

The same law which caused the fall of the Roman Republic is at work to-day. If on the one hand we enhance the price of labor and necessities by protection of all industries at his expense, and if in addition to this there is a gradual and permanent lowering of the world's prices in the home market for his product—what must follow but the ruin of the American farmer, and with his ruin the destruction of the Republic?

Now, what has been said is either true or false. If true, it becomes the duty of all right-minded American citizens to take a stand for the preservation of the Republic by demanding for American agriculture that measure of equity in protection by an export bounty so long as manufactures are protected by a tariff on imports.

If what has been said is false, wherein is it false? Many have tried to show, but up to now none have shown.

In the following remarks I propose to briefly touch upon the question of protection to the American merchant marine in the foreign trade. It will soon become evident that the matter is pertinent to the subject, as House bill No. 2626, introduced in the last session for an export bounty, contains a clause relating to an additional bounty on agricultural staples conditioned on their being carried on American ships.

The reasons which prompted the insertion of the clause were two: First, because shipping in the foreign trade, like agricultural staples, are in direct competition and can not be protected by a tariff on imports. Second, to leave shipping unprotected and to protect agricultural staples would be as unjust as to leave agriculture unprotected and to protect manufactures.

This was ably pointed out by the editor of Seaboard, a shipping journal of New York, who urged the advocates of this proposition to unite with the shipbuilders and shipowners in a mutual endeavor to obtain protection for both interests.

After repeated efforts on the part of the Seaboard to form a union of effort of farmers and shipping men, a meeting was called and which was held at the Maritime Exchange, Philadelphia, July 30, 1895.

At that meeting the principal speech was made by Mr. Charles H. Cramp, the well-known shipbuilder. The Philadelphia papers of that date report him as having said the following:

> I think that when we (the shipbuilders and shipowners) went to Congress and asked for a bounty for ourselves we committed a grave error, and I am going to do what I can to repair it. There is not any mistake, gentlemen, that the foundation of everything that is good among us, the foundation of morality itself, and everything that is good in this country, is due to agriculture.

This appeared to be the sentiment of all the shipping representatives present, for Mr. Cramp's remarks were received by the unanimous approval of all present.

Resolutions denouncing protection limited to a tariff on imports and demanding equitable protection which embodied this proposition were unanimously adopted. The meeting, after appointing a committee to promote the work, then adjourned.

True to their promise, their organ, the Seaboard, continued on and made a good fight for the cause. This until just before the campaign, when they (the shipping people) came to a sudden halt and dropped advocating agricultural protection as if it were a red-hot stove.

They introduced a bill known as the "Elkins bill," calling for a discriminating duty of 10 per cent, which the Commissioner of Navigation claims would land about $59,000,000 annually into their coffers. Like some people grown suddenly rich, these poor rich shipowners and shipbuilders had no more use for their relationship with the poor agriculturists.

Why should they? The agricultural bill would give them annually a paltry $4,000,000 or $5,000,000 protection, but the discriminating duty would "pan out" $59,000,000 a year.

From that time on these shipping men began to see how mistaken they were about "foundation" or "morality" or "everything that is good." What were all these to $59,000,000 a year, anyway?

So they hired a grand office on Twenty-third street, New York, and to show that they had turned their backs forever on the aforesaid "foundation," etc., they employed the genial and talented editor of Seaboard to "make the fight." And a good fight he made of it, and will succeed, too—if the farmers will let him.

The cry went up "Protection to American shipping," and through the indefatigable labor of the aforesaid editor indorsements came in by the scores. McKinley, the National Republican Convention, and lesser lights indorsed, and the shipping men were happy—are happy yet, and hopeful.

There is no inclination to enter here into details in order to show the viciousness, the impracticability, and the injustice of this attempt. These three are so apparent on the surface of the matter that no great time need be devoted in showing the true character of the Elkins bill.

It is vicious, because it would disturb and destroy trade relations between this country and foreign nations which would tend to bring about retaliatory measures of especial injury to agriculture.

It is impracticable, because it would disturb the relations of internal commerce. Who could buy with certainty or confidence when one importer could obtain shipping on a discriminating ship and another only find carriage on a foreign ship?

And lastly, the $59,000,000 a year would be a dead weight on agriculture and fall with a dull thud squarely on the producers of agricultural staples. For the law is invariable that the unprotected must pay the ultimate cost for the protection of the protected.

The simplest way to defeat this measure is for farmers to watch the actions of their Representatives on it when it comes up. It may do some good for subordinate granges and individual farmers to send on communications to Congress giving their views on the subject, so plainly put forth as not to be mistaken.

If shipping is to be protected—and it should so long as manufactures are—then there is ample protection in the clause contained in House bill No. 2626 for the protection of agriculture by an export bounty.

Names and addresses of European manufacturers, importers, and exporters of agricultural machinery and implements, as shown on the illustrated catalogues, submitted to the House Ways and Means Committee.

[This is only a partial list—as many as could be collected in a limited time.]

Vipan & Headly, Leicester, England; Ph. Mayfarth & Co., Frankfort-on-the-Main, Germany; Dupont Freres, Rue des Vinaigriers, 31, Paris; Harrison, McGregor & Co., Leigh, Lancashire, England; Elso-Magyar Gazdasagi Gepgyar-reszvenytarsasag, Budapest; Pohl E. es Fiai, Gazdasagi Gepgyara Vasontode, Malomepiteszet Szombathely, Hungary; Bamford & Perkins, Peterborough, England; Hugo Graepel, Budapest; Andreas Rieger, Hermanstadt, Hungary; E. H. Bentall & Co., Haybridge, Maldon, Essex; Hofherr & Schrantz, Budapest; H. F. Eckert, Berlin; J. Hignette, Boulevard Voltaire, 162 and 164, Paris; Edward Kuehne, Msony, Hungary; R. Hornsby & Sons, Grantham, England; Fortin Freres, Montereau (S. and M.), France; W. F. Nicholson, Budapest; Maison A. Motte, Paris; Josef Friedlaender, Vienna; J. & F. Howard, Bedford, England; L. Roffe, Place Voltaire, Paris; Maldon Iron Works, Maldon, Essex; Istvan Rock, Budapest; the Johnston Harvester Company, Paris; Ruston, Proctor & Co., Budapest; Charles Faul, Paris; Carl Beerman, Berlin; Ph. Pierce & Cie., Paris; Clayton & Shuttleworth, Vienna, Austria, also in England; Schlick, fele, Budapest; Th. Pilter, Paris; A. Bajac, Liancourt, France; Richmond

& Shandler, Manchester, England; Miller & Weisz, Budapest; L. Herlico, Paris; Wm. Cottis & Sons, Epping, England; Emile-Puzenat, à Bourbon-Lancy (Saône-et-Loire), France; Samuelson & Co., Banbury, England; Bamfords,' London, England; H. T. Mot & Co., Paris; V. Thiolon & L. Mariette, Paris; F. Esteve & Co., Paris; L. Dumont, Paris; J. Boulet & Co., Paris; Serramalera & Co., Paris; Jas. S. Duncan, Paris; Japy Freres & Co., Paris; James Smyth & Fils, Paris; A. Herrisson, Systeme Magnier, Provins (Seine-et-Marne), Paris; Noel, 69 rue D'Angouleme et 104 avenue Parmentier, Paris; Mayer E. Fiai, Szombathely, Hungary; Vve. Albaret and G. Lefebvre, à Liancourt-Rantigny (Oise), France; Peltier, jne., rue Fontaine au Roi, Paris; Spear & Jackson, Sheffield, England; Kon. Ung, Maschinenfabrik, Budapest; Rud. Sack, Paris; R. Wallut & Cie, Paris; Plissonier, Lyons, France; Merlin & Co., Vierzon, France; Bernard, Bishop & Bernard, Norwich, England; Adrian Senet, Paris.

STATEMENT OF MR. LEONARD RHONE, MASTER OF THE STATE GRANGE OF PENNSYLVANIA.

TUESDAY, *January 5, 1897.*

Mr. RHONE said: Mr. Chairman and gentlemen of the committee, I appear before you by direction of the State Grange of Pennsylvania, an association representing the organized farmers of the State, for the purpose of presenting to you the feelings of the farmers of our State upon the protective policy of our Government. Pennsylvania has always been noted for its advocacy of the protective policy of government and helped to develop the largest prosperity to our industries, and the State Grange simply falls in the line of the sentiment of its people. When they view the protection policy pursued by our country at present they find a grave discrimination, which they think Congress should at least in measure remedy. When we inquire into the agricultural schedules we find that the manufacturer of leather is protected by an import duty and the manufacturer of leather goods by another import duty, while raw hides are sold in competition with the American farmer without any such protection discriminating in his interest. I do not charge the Democratic party for this sin which was visited upon the American farmer, because I believe that it was a Republican Congress that placed raw hides on the free list.

When we were before this committee under the preparation of what is known as the McKinley bill we advocated a duty of 25 per cent on raw hides, so that the American farmer might receive the same measure of protection in this particular that is accorded to the American manufacturer, but for some reason that schedule was stricken out; we find also, under the administration of General Grant, that the Republican Congress reduced the duty on wool, and as a consequence the American farmer was obliged to take a lower price for his products in the American markets, being compelled to sell in competition with the cheap labor and land countries of the world; and we find later that it was a Democratic Congress that placed wool entirely on the free list, compelling the American farmer to sell his products in competition with the same cheap land and labor of the world, while the American manufacturer of wool has been protected. Now we follow the agricultural schedule throughout, and we find the same discrimination between the American farmer and the American manufacturer which our people feel this Congress ought to correct, because, whatever may be the policy of the American Government, the same measure of protection should be accorded to the American farmer that is accorded to the American manufacturer.

We fully realize that the protective policy can not do for the American farmer what it is doing for the American manufacturer. The protective

policy works as a charm, so far as nonstaples of agriculture are concerned. An import duty will raise the price of the American farmer's products to the same extent that it will raise the price of the American manufacturer's products, but when it comes to the staples of agriculture, the price of which is fixed in the markets of the world, the protective policy falls short, and as a result the American farmer can not be protected in this way. Now, the State Grange of Pennsylvania asks that the same policy be adopted to keep the prices of American agricultural products up to the same standard that the prices of American manufacturers are kept up. Now, the tariff of our country is not uniform when you apply the policy of our Government, for you find that the American manufacturer can import raw material and pay a duty established by this country, but if he manufactures his product and again exports it the Government pays back to him 99 per cent, which is an arbitrary policy of protection.

Now, if the American Government does that for the American manufacturer, then we also ask, in the name of justice, that the same principle be applied to the protection of the American farmer. Therefore, the protective policy can not add one cent to the price per bushel of wheat or barrel of flour, because the price of that product is fixed in the markets of the world, and a protective duty can not enhance the price one penny, consequently there is nothing else to do but to apply the same principle which you apply to the American manufacturer, by virtually placing a bounty in some way whereby the price might be enhanced in our own market and protect the American farmer against the competition of the cheap land and labor of the world. This same rule applies to corn, it applies to cotton. The protective policy can not be applied as in force in this country without applying the same principle you apply to the American manufacturer, and that is what we ask. And now, not to take up too much of your time, I would ask that Senator Brown, a member of our legislative committee, be permitted to submit the petition of the State Grange of Pennsylvania upon this subject.

Mr. McMILLIN. If it will not interfere, before he begins, I would like to ask by what method you propose to do this, by a bounty paid to the producer of agricultural products?

Mr. RHONE. A bounty paid upon the export of wheat will enhance the price of every bushel of wheat in American markets, because when the foreign buyer puts up his hand at 80 cents the home buyer must put up his hand at the same price. This law is universal, and it is well understood by those who deal in the products of the staples of agriculture. Now, I would only say this: The question may be asked, How do you propose to raise this revenue? When the McKinley tariff was taken off wool you decreased the national revenues over $11,000,000; restore that duty and you can take that $11,000,000 and help the American farmer so he can undersell every competitor in every country of the world, and you will do precisely for the American farmer what is done for the American manufacturer.

STATEMENT OF MR. GERARD C. BROWN, OF PENNSYLVANIA.

TUESDAY, *January 5, 1897.*

Mr. BROWN said: Mr. Chairman and gentlemen of the committee, I have the honor to appear before you as a member of the legislative committee of the State Grange of Pennsylvania, in order to give to you

the official action of the farmers of Pennsylvania assembled at Altoona on December 8 to 11 of this last year. I will read the resolutions passed unanimously by that body:

REPORT OF LEGISLATIVE COMMITTEE OF THE PENNSYLVANIA STATE GRANGE IN ANNUAL SESSION AT ALTOONA, DECEMBER 8–11, 1896.

Your committee, in view of the continued depression in the prices of agricultural staples, which in the price of wheat is only partially and temporarily relieved by the demand for export caused by the accident of a shortage in the crops of our principal competitors have given attention to the proposed policy of a bounty on agricultural exports which has been so forcibly advocated by Mr. D. Lubin, and we accept as established these facts:

That the prices of agricultural products as a whole, and particularly of the great staples, are so reduced as to be often below cost of production, and that in no case do they offer a guarantee of profit.

That this situation is not confined to this country, although intensified here by the more liberal mode and higher cost of living of our people—in short, by their progress in education and advancement in civilization.

That unless remedied this condition must inevitably gravitate downward until the level of the lower and debased agricultural population of the world is reached; a condition incompatible with the maintenance of our higher civilization, and even the perpetuity of our free institutions and our self-government.

That we recognize a new "world condition," arising from the wonderful facilities of transportation by land and sea which now bring together "as in a scroll" the very ends of the earth, which outstrips even time itself in disseminating intelligence through all the marts of trade.

That we realize that by the introduction of modern automatic machinery the superior efficiency of intelligent argiculturists is in a great degree discounted, and the educated farmers of our land are brought into sharper competition with those who but for the advantage gained by their use of such machinery could never have become objects of our concern as rivals.

That we are aware of the additional menace which threatens us from the approaching completion of the Siberian railroad, and the opening by Russia as a bidder against the world the most enormous contiguous arable tract on the planet, which, when stocked with the latest farm machinery now manufactured in Continental Europe will infallibly crowd all cereals to a point lower than ever yet reached.

That we can not deceive ourselves with the idea that any measure of protection to our industries offered by a tariff on imports can avail in the slightest degree to benefit the grower of those crops of which he produces a surplus for export, and whose price is necessarily made in the world's market where they are and must continue to be disposed of.

That we have a right to demand that the same proportion of advantage shall be given to the agricultural industry that is accorded by law to any other in this broad land.

That while protection countries which are importers of agricultural products may in a measure remedy the evil of low prices by increasing the duties of agricultural imports, it is manifestly impossible for those which produce a surplus for export to give the least particle of relief to the interest of their farmers by a high tariff on these products.

That the lessening of production of these farm staples so as to bring them within the limit of our own home consumption is no remedy, as it is an economic impossibility, and in any event could only injure by limiting the opportunities of employment to our people, reducing the actual resources and wealth of our country.

Again, that diversification of our production can afford no certain nor permanent relief, as experience has proved that a largely increased production of specialties, such as dairy products, truck, berries, fruit, etc., only tends to eventually lower these things, as well as the staples, below the profit point.

At a time when the American farmer had a world monopoly in the production of staples, when with cheaper lands he was the almost exclusive user of improved agricultural machinery, he was then able to pay the ultimate net cost of a high protective tariff and live; but when, as now, the world's prices are down to one-half their former rates, in the face of this to even maintain, let alone raise still higher, the protective tariff would be economic suicide.

What, then, is the remedy? It is clear that we must either lower the price of the things which the agricultural producer must buy to the world level of value, through free trade, or artificially enhance in the home market the price of his products to the protection level by a genuine and real protection policy.

This, we have seen, it is utterly impossible to effect by any tariff, no matter how

high, upon the staple crops, whereas a bounty on exports could not fail to raise the price of such products in the home market to the extent of that export bounty.

This would be securing to the American producer of these staples directly, and to all farmers in this country in a greater or less degree indirectly, the same measure of protection or advantage that the high tariff now gives to manufacturers.

And just as long as our manufacturers are protected in their production by a tariff on imports, every consideration of justice, equity, and expediency demands as an offset an equal protection to agriculture by a bounty on exports.

LEONARD RHONE,
GERARD C. BROWN,
JAMES G. MCSPANAN,
R. H. THOMAS,
B. H. WARREN,
F. A. MOORE,
Legislative Committee.

Now, gentlemen of the committee, I have had the honor to submit to you these resolutions formally adopted by the State Grange of Pennsylvania. This I have done acting by their authority, and have appeared here not merely as a private individual giving my personal opinions, but as a representative of the farmers of that great State to whom the duty has been intrusted.

The position of the farmers of the Keystone State on the tariff question is pronounced and unmistakable. While not moving for change in the law, they are resolute in not being discriminated against in whatever changes may be made.

They stand for justice in tariff just as they have ever stood for justice and equity before the law, by the law, under our Constitution.

This equity they recognize as there right, and, as shown by this declaration, which was adopted without a dissenting voice at their annual convention at Altoona on December 10, they are a unit in the determination to have their rights to equal treatment observed in tariff legislation.

They realize the hollowness of the pretense of protection through a tariff, and will not forget those who may foist such a policy on them in their distress. After more than thirty years of protection they find their properties shrunken in value from one-third to one-half. Assessment for taxation shows a falling off in twenty-five years of not less than $200,000,000, or 25 per cent, while the burdens of taxation have been intensified, the expense of living unchanged, and the cost of production relatively undiminished.

They see that meanwhile other interests have been magnified in importance and wealth.

The population of the State has increased about as fast as the property of the farmers has deminished during these twenty-five years.

But while agriculture has so retrograded, manufacturing has gone forward with wondrous strides. Capital thus invested has arisen from $416,000,000 to $1,000,000,000 (it was $991,000,000 in 1890), the number of employees has been doubled, the amont of wages paid has increased 60 per cent, and the product of the factories to an even greater rate.

While the population as well as the wealth of farming communities has shrunken, the towns and centers of business have known no setbacks. Twelve agricultural counties have less population now than sixteen years since, while manufacturing towns have doubled their population and quadrupled their wealth.

That the coal-mining industries do not make an equal showing is because the management is more concerned to roll up big profits than to increase the output, and prefer the increment in dollars rather than in tons.

While Pennsylvania farmers have lost $250,000,000 in the assessed value of their holdings, the real estate of Philadelphia alone has in the same time raised from $440,000,000 to $732,000,000.

So that under the protective system, which has prevailed ever since the exigency of the war rendered the imposition possible, because it seemed unavoidable, mining, manufacturing, and kindred business enterprises have been favored and assisted, while farming has depreciated.

If this condition prevailed in Pennsylvania alone it might be held that local causes engendered it; but it is notorious that it is coextensive and affects every State and Territory over which our starry banner waives; more, perhaps, in some and less in other localities, but everywhere, and the loss to farmers is greatest where they have had the most to lose. That it should exist in Pennsylvania, of all States in the Union, is perhaps the greatest anomaly, if there is any truth in the home-market arguments for protection.

The facts as they stand, however, utterly disprove them, and show that no such

thing as a sufficient or enmunerative home market has been furnished us in return for the immense and incalculable sacrifices made by the farmers on the alter of protection for now a full generation.

If anything, we are now more dependent on the foreign market than we have ever been, and the only reason that the volume of our agricultural surplus is not greater yet than it is now is because of the increasing poverty of our farmers and their inability to continue production without profit.

That the capital of the farmers of Pennsylvania, situated as they are in the heart of the most heavily protected industries of this country, has deminished at least 25 per cent is proven by the census of 1870 and 1890, which show that the assessed value of their real estate alone fell in those twenty years from $1,043,000,000 to $922,000,000, and that the capital of the manufacturers augmented in the same time from $406,000,000 to $991,000,000, while the city real estate more than doubled; the value of railroad, telegraph, and other speculative properties nearly tripled.

We submit that we are entirely satisfied that whoever may have gotten the benefits of a protective tariff we certainly have not.

There is, therefore, no cause for wonderment that so conservative a body as the State Grange, fairly representative of every agricultural interest in Pennsylvania, even though its membership by more than two-thirds be affiliated through past association and inherited predilections with the Republican party, should by a practically unanimous assent draft and present so strong a protest against increase of tariff taxation as the report which I have had the honor to present to you.

That convention recognized that the machinery of the Government has passed into the hands of those who are better known as advocates of radical and exorbitant protection than for anything else, and that without question the policy adopted would probably be extreme along this line. Therefore there was no hesitation on the part of any who were farmers to utter the protest and indorse the recommendation it containes.

We declare positively that if protection is to be the policy it must be of a kind that will embrace us as well as our neighbors. No more favoritism for special interests, and least of all at our expense.

We object to being buncoed on so vital a matter.

Even those of us who are opposed to any such prostitution of the powers of Government as the taxation of some for the benefit of others cannot fail to require an offset to tariff if they are to be subjected to it.

And as to those of us who are "worshippers of the Goddess," who believe in protection though a high tariff as the Chinaman believes in his joss or the Hottentot in his fetich—blind it may be, but devoted—of all farmers they must demand that its sheltering wings be spread over them also.

It is useless for Congress to attempt to satisfy them with a tariff on imports, no matter how high or prohibitive. Past experience tells that story, even if it were not repugnant to common sense.

The time has gone by when the farmers of the United States can be placated with "soothing syrup" of that kind.

That portion of them who do not know that high taxes are no remedy for low prices for farm products is too small and insignificant to count anywhere.

Those of them who do not know that the cost of heavier taxation come right out of the farmers, aud nowhere else, are not more numerous or influential.

Now more than ever all are beginning to realize that while high tariff can increase the prices of those things whose production can be controlled and regulated by mutual agreement among the producers of such goods, staple farm production can not possibly be so provided for, and that inevitably and net cost of protection—that is, the enhanced price of the protected article—must fall on them, and that they must pay it in the end.

They are naturally agitated over the prospect now before them. An epoch of diminishing prices to be marked by an increase of taxation, both direct and indirect, with consequent higher cost of production, lessened power of consumption, and progressive stagnation and impoverishment—such is the situation which they see no reasonable chance of escaping under existing circumstances.

It largely rests with you, gentlemen of the Ways and Means Committee, as to what extent these forebodings are or are not to be realized.

When it is considered that in the main the prices of farm products of the great staples of farm production which have made the nation rich beyond all precedent in history, but which are not enriching the farmers who produce them, average lower now than in those times of lower taxation; when it must be admitted that the price of these farm products measures the ability of the farmer to meet his taxers, there can be no two opinions as to the critical condition of agriculture.

The same consideration must forbid honest legislators from any chances of adding to his burdens by increasing the tariff charge on anything which he needs and can obtain only through an exchange of the products of his labor. Nothing can excuse so reckless a disregard of his interest on their part.

And since from the very nature of things the farmer must bear the brunt of taxation, it is clearly not out of order when considering the general agricultural schedule for this committee, which has been so occupied in listening to the appeals of divers and special and individual interests, to give their attention to a method of relief to all agricultural interests, and restore, so far as may be, those better days when profit was possible and the farmers' prosperity made this a happy and contented people.

STATEMENT OF ALEX. J. WEDDERBURN MASTER OF STATE GRANGE OF VIRGINIA.

TUESDAY, *January, 5, 1897.*

Mr. WEDDERBURN said: Mr. Chairman and gentlemen of the committee, I appreciate that I must be very brief, and what I have written here I will not attempt to read, but will hand to the stenographer to be printed with my remarks. I am here representing the State Grange of Virginia, the only nonpolitical farmers' organization in the State. I simply desire to say that I have listened with a great deal of pleasure to what has preceeded me during the day, and for several days past, wherever it has touched upon agricultural products. I have seen the miners of the country and manufacturers of the country come here in force. They have been thoroughly and ably represented. Growers of specific agricultural products have also been well represented here, but the great staples of agriculture, the products that come from the real farmers of this country, from the farms of the West and the plantations of the South, have until to-day not been heard. Just consider the fact that out of the eight hundred millions export over 70 per cent come direct from the farm, being staple products, sent out from this country to bring back money into the United States. And we come here simply to ask that we receive the same protecting care at your hands as is accorded the manufacturer and the miner. When you give this protection to the manufacturer and miner by a tariff you raise the price of those products and put the burden upon the man at the plow who produces the corn, the cotton, the tobacco, and other staples in this country.

We are not here to ask you not to give this protection to those other industries, but to ask you to give due, full, and fair consideration to the American farmer who produces the staples which, when exported, bring into America over $600,000,000 a year.

I appreciate, Mr. Chairman, that it would be impossible for this committee to go into a full discussion of this subject at this time. There are, however, two bills before the House to which I would like to call attention—one presented by Mr. Johnson, of California, and another, House bill 9598, presented by Mr. Meredith, of Virginia. I would request, on behalf of the farmers of Virginia, and also with the sanction of Colonel Rhone, master of the State Grange of Pennsylvania, that we be given a special subcommittee and a hearing at the proper time, to present facts and figures that we have prepared quite elaborately that will show that unless something is done for this great industry—this money-producing industry—the farmers must go to the wall. I hope you will recognize this,

and that you will also consider another fact—that unless the farmer prospers none can prosper.

There is a bill before this Congress asking that a differential duty be placed in favor of American ships, which provides that a bonus of 10 per cent be placed on stuff brought in from abroad for the benefit of those ships. I want to call your attention to the fact that if that bill becomes a law the result will be to bring into this country competitors for our manufactures. What we wish to do is to take out of this country products produced or manufactured here and bring back money. We would like to have this done in American ships. There is no way by which the American farmer can be protected except by an export bounty on staple agricultural products, and the best way to protect American ships is to pay them for carrying abroad American farm products.

Mr. STEELE. You say you represent the only nonpolitical farmers' organization. Do you have political farmers' organizations in Virginia.

Mr. WEDDERBURN. I believe there are in several States of the Union. I would rather be excused from saying anything about any other organization than the one I belong to, the Grange, which is nonpolitical.

Mr. Wedderburn then submitted the following written argument:

As Virginia is a large producer of agricultural staples, on behalf of our State Grange I desire to ask that in seeking whom you can benefit by the bill you are now preparing that you will not overlook the man who follows the plow and produces by his toil and industry the greater part of the nation's wealth, the man upon whom the prosperity of all depends. It has been stated that fifty men in New York could tie up trade and smash things generally in this country. If this be true it is an unfortunate condition, but there is no denying that if the farmers went on a strike for twelve months the world would be depopulated. If we owe to these people food, clothing, life itself, and our general prosperity as a nation, certainly we owe them consideration enough in the enactment of our laws to place them on an equal plane with other industries, and in the make-up of your schedule we believe that we have the right not only to be heard but to receive as much thought, care, and protection as has any other important industry of the Union.

Parties or sections of right have nothing to do with this matter—it is purely and simply a question of business—a question of patriotism. If we admit, as we are forced to do, that staple agriculture is the foundation industry, the taproot of success that has brought fabulous wealth to our nation in the past and is the only possible means through which that prosperity can be continued—it is the duty of this committee to see that this great industry is protected equally with every other industry, that it is upheld and fostered instead of being made to carry the burden of debt and axation that other industries may flourish.

The basic principles upon which this country was established were equality and justice.

Without regard to partisanship, the great majority of the American people will agree that taxation should be adjusted so as to bear with equal force upon all classes and all sections.

The majority of men supporting a protective policy do so because they believe that such a policy incidentally protects all, while, on the other hand, the majority of men who oppose this protection idea do so because they believe that it unjustly burdens a large class while it benefits another much smaller class.

Whether the benefits are greater than the burdens to the general public is where we disagree.

If a condition could be assured where the burdens and benefits were

more equally distributed, doubtless the opposition to a protective policy would in a great measure cease. No intelligent man with a particle of patriotism would for a moment oppose protection to American industries, provided all American industries were equally protected; and even if the burdens were more equally distributed than at present the opposition would be less.

I take it to be self-evident:

First. That protection through a tariff, if it protects, must, until competition reduces prices, mean a rise to very nearly the extent of the tariff and the profit thereon on the protected goods (the manufactured American goods), which are sold at just enough below the price of the imported competitor to secure them the larger part of the home market, and that this rise has to be paid for by someone, and that someone, the consumer, who finally pays for the products and uses them. It would be foolishness to assume that this rise of price is paid by the importer, for he adds to his price the tariff and charges a profit thereon, as well as on the price of the goods. Nor can it be charged against the wholesaler; he, too, adds on his profit, as do all through whose hands the goods pass, charging also a profit on every additional charge of transportation and handling. Thus the goods finally come down to the retailer, who sells them to the consumer, and he pays the cost of importation duties, profits, and transportation charges. It goes without saying that the consumer pays these costs and, therefore, alone pays the tariff tax.

Second. The manufacturer derives the benefit from this protection. He not only secures the greatet part of the home market thereby, but until met by home competition he can, by slightly underselling his foreign competitor, make a profit over and above that which is just and fair to the extent of nearly the amount of the tariff. A part of this he divides with his workman, but it is readily understood that the workman's share is small, as the increase of his wages is due more to his productive capacity than to the protective tariff—American skill and American machinery enabling him to produce greatly in excess of his foreign competitor. The manufacturer is enabled to protect himself against home competition by combines to limit production. This, however, can not and does not protect the wage earner, but, on the contrary, by lessening work destroys employment.

Third. That while the producer of nonstaple products of the farm, the prices of which are fixed by the supply and demand at home, is incidentally protected by a tariff which supplies a home market, those staple products, a part of which are exported and sold in competition with like foreign products in the world's central market, where the price is fixed not only for the article sold there but for the same article sold here on the American farm, the price being the same at both places, less the cost of transportation and other charges from the farm to Liverpool, the producers of these staple agriculturial products, a part of which are exported, are not only not benefitted by the protection afforded by a tariff, but are compelled to pay for the larger part, if not all, of the protection given the manufacturer through the tariff, the price of what the farmer sells being fixed abroad and in competition with the world's products, while the price of that which he purchases is advanced at home through protection.

Fourth. The farmer producing exportable products adds to the country's wealth at the rate of over $600,000,000 every year. The price for this immense sum of our products is fixed abroad in competition with like products, produced on the cheapest lands, with the cheapest labor, paid with the cheapest money, and using the very best machinery for such productive purposes that is made in the world. Nor is this all. The price of that very much greater portion used at home is fixed at exactly the same

figure by the same competition, under the same conditions, and entailing the same injustice to these wealth and bread producers of our country. That is, the foreign and home price for these products are the same, less transportation and other charges, and are fixed abroad under free trade with the world's competition, while the producer is compelled to buy his supplies in a protected market.

By a liberal system of protection to American ships, when used for the purpose, not of bringing foreign goods to our country to compete with our manufacturers and wage earners, but when carrying hence products of American farms, mines, and factories so as to increase our exports and decrease our imports and foreign debts. We can save the $100,000,000 paid out for ocean transportation and a large part of the insurance sent to old mother England. By a liberal policy of export bounties on all products sent abroad in American ships we can easily turn the trade balance in our favor and pay off our foreign debts and restore prosperity to our farms, and thereby to our factories and mines.

If equality and equity are the foundation upon which the superstructure of our Government rests, then if it is fair to protect the manufacturer and miner it is equally as fair to protect the farmer. We know that he feeds us all; that his prosperity means busy hours for the manufacturers and miners of America; that happiness and wealth (comparative, of course) around the log fire in the old homestead not only means wealth for the manufacturer and work for the wage earner, but it means peace, plenty, and prosperity for our country; but so long as the farmer raises his crops at a loss per acre, so long as the sheriff's red flag floats over the mortgaged homes of the settlers on the prairies of the West or the fertile valleys and sandy slopes of the South, so long will prosperity refuse to come again; so long as hard times hang around the farmer's cabin door, so long will its reflection be seen and felt in the homes of the workingmen of New England. Under such conditions it becomes the duty of every patriotic representative of the people to carefully consider how best to promote the farmer's welfare, how best to make his, the foundation industry, pay; to raise the price of his products, artificially, just as the price of the manufactured product is raised. This committee can well afford to investigate thoroughly the advisability of enabling the producer of staple products to meet his competitor—the coolie, the fellah, the muzhik, the ryot, and the peon. This may strike you as impossible, but if you will consider it without political prejudice and from an economic standpoint you will find that it is not only just, but practical. The bill presented by Mr. Meredith, prepared by Captain Bates, ex-United States Commissioner of Navigation, and now before your committee, should receive your most careful consideration.

This measure, is, in my estimation, the only possible way by which the farmer who produces staples can be protected against the inequalities of any tariff, high or low.

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PORTO RICO.

ADDRESS

OF

GEORGE C. PERKINS,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

APRIL 2, 1900,

ON

THE BILL PROVIDING A REVENUE AND A CIVIL GOVERNMENT FOR THE ISLAND OF PORTO RICO.

WASHINGTON.
1900.

REMARKS
OF
GEORGE C. PERKINS,
OF CALIFORNIA,
IN THE SENATE OF THE UNITED STATES,
Monday, April 2, 1900.

The Senate having under consideration the bill providing a revenue and civil government for the island of Porto Rico—

Mr. PERKINS said:

Mr. PRESIDENT: As a member of the committee which had this bill under consideration for some three weeks, and which heard the witnesses, the representative citizens of Porto Rico who came in to present their case, I venture at this late hour to trespass for a few minutes upon the Senate, to give briefly the reasons why I believe the passage of the bill will be for the best interests of the people of Porto Rico and at the same time will be doing justice to our own people and our own country.

The committee, with the exception of myself, is composed of able lawyers or gentlemen who have had many years' experience in legislative affairs and are students of governmental policy and political economy. The able chairman, in presenting to the committee the bill to which he had given much thought and study, frankly stated that we were confronted with a new question, a new problem to solve in our political history—the forming of a civil government for a part of our newly acquired possessions; that he had no pride of opinion which he would not cheerfully yield if a better plan or system were presented. The committee, collectively and individually, had no object in view but to frame a law that would result in contributing to the prosperity and happiness of the people of Porto Rico and at the same time guard well the institutions and rights of the people of the United States.

LIMITATIONS OF CONGRESS.

The question, therefore, which we first considered was, What are the limitations of Congress under the Constitution? What right or privilege does one of the present Territories of the United States enjoy that may not be enlarged or denied or withheld from Porto Rico? If we have the power to enlarge, deny, or withhold any privilege, is it right, is it policy, for us to do so?

That we may intelligently understand the whole question at issue justice and right demand that we should first consider the conditions that exist in Porto Rico. We find that the island of Porto Rico has an area of about 3,600 square miles; that it has a population of about 1,000,000 persons, approximating the density of the population of China—certainly more than double that of the same area of any agricultural region of the United States. Porto Rico has 280 persons to the square mile, while the State of California has only 8 persons to the square mile, and India and its dependencies have but 229, or 51 persons less per square mile than has Porto Rico.

More than one-third of the entire population is of the negro or mixed race; the balance are mostly of Spanish origin—emigrants from Spain during the past three centuries, and their descendants. There is, of course, a small percentage of other nationalities, but they are principally of Spanish descent, negroes, mulattoes, and what we call in the United States colored people.

It was in evidence before the committee that the aristocracy and rich Porto Ricans are well educated and accomplished; that their lawyers and physicians and professional men had received liberal educations in the universities of Europe and the United States. But these were only a few favored ones as compared with the whole population of the island.

WAGES AND VALUE OF EXPORTS.

The last Spanish census, taken in 1897, showed that only 13.2 per cent of the population could read and write. Contrast this with the United States, where our last census shows that 87 per cent of all the people 10 years old and over, including the colored people and civilized Indians, could read and write. We also learned from sources which we deemed reliable that the wealth of the island, real estate and personal property, is divided among a very small percentage of the population, estimated at 10 per cent of the people, while the ownership of all the land of the island is vested in about 43,000 people; that the great mass are very poor, and earned barely sufficient to buy subsistence and meager clothing. The wages of the laborer on the sugar, tobacco, and coffee plantations ranges from 20 to 30 cents per day, but the supply far exceeds the demand, and tens of thousands of people are unable to find any employment at any rate of wages.

Brig. Gen. George W. Davis, commanding general of the department of Porto Rico, states that the poor people of the island comprise from one-third to one-half of the total population, and their food consists of rice, beans, yams, sweet potatoes, corn, bananas, and sugar cane. Of this food bananas constitute 75 per cent of the total consumption. These are the laborers on the plantations. Their habitations consist of poles covered with palm leaves, and their bed is a hide on the ground, or the bare ground itself, with rarely a sort of bench for a resting place. The next class comprises the small coffee proprietors, owners of little cattle ranches, men engaged in transportation, in small trades, or manufactures, clerks, and servants. The third and highest class embraces the proprietors of estates, larger merchants, and professional men.

Nine-tenths of the exports from Porto Rico have been composed of coffee, sugar, and tobacco, the average value of these articles exported, from 1893 to 1897, being $9,000,000, out of a total of about $10,000,000. Of these three articles of export, the value of coffee was a little over $6,000,000; of sugar and molasses, about $2,400,000, and of tobacco, $450,000. Outside of these staples the island has had few resources, the aggregate of all exports other than those named being only a few hundred thousand dollars.

WHOM FREE TRADE WILL BENEFIT.

With these existing conditions it is not difficult to understand why free trade will benefit the few who own and control the lands which are adapted to the cultivation of sugar, tobacco, and citrus fruits. They are willing that others should pay for the support of the government that protects them in their property, and gives them all the advantages accruing from a strong and stable form of government. Their lack of American patriotism; their undue

love of self-interest, is emphasized by the fact that one of the principal sugar producers in the island that appeared before the committee said he was an English subject, and had no intention of becoming an American citizen. Yet he was here, a representative from the great commercial organization of Porto Rico, urging the committee and urging Congress to give them free trade, that he might bring into this country free the products of the labor of the peons and the contract laborers of the island.

Mr. MASON. The Senator will not be annoyed, I think, by an interruption.

Mr. PERKINS. Not at all. We are in search of light. I shall be pleased to give any answer that I can, and if I can not answer his question now I will do as many of our judges, take it under advisement and answer later.

Mr. MASON. My only suggestion to the Senator was, that while that class of men ask for free trade the committee respond by giving them 85 per cent of what the Englishmen ask for.

Mr. PERKINS. There was no evidence whatever that that class of people were asking for free trade. They are asking for something to eat, something to keep soul and body together.

Mr. MASON. I was talking about the English whom the Senator said wanted free trade.

Mr. PERKINS. I beg pardon; I stand corrected.

Mr. MASON. You gave them 85 per cent of what they asked.

Mr. TILLMAN. Will the Senator allow me a slight interruption?

Mr. PERKINS. Certainly; I am always pleased to yield to the Senator.

Mr. TILLMAN. Do I understand the Senator to say that there are peon contract laborers in the island of Porto Rico?

Mr. PERKINS. They work for those who control them without any regard to their physical, mental, or moral condition. Their employers pay them that which is only sufficient, as it appeared in evidence, for them to live from day to day by boiling half-ripe bananas, eating sugar cane, and the yams that they dig from the soil.

Mr. TILLMAN. I hope the Senator will not get away from the point, however. Is there any evidence anywhere showing that there are imported peons there or persons under contract like there are in Hawaii?

Mr. PERKINS. No, there is no person——

Mr. TILLMAN. They are simply forced to accept these low wages because of the competition among the laborers for the job; in other words, owing to the density of population on the island.

Mr. PERKINS. It is 280 persons to the square mile, and that makes it impossible for all to find employment. Right here I want to speak of the competition with the beet-sugar industry of this country. The beet-sugar industry of this country makes every farmhouse, every association of farmers, an anti-trust combination. In my own State there were eight to ten beet-sugar factories, and every one of those beet-sugar factories buys the beet, the product of the soil, from the farmers. They bring it to their factory, and when it leaves it it is refined coffee sugar ready for the table. No sugar trust or any other combination of capital can control the beet-sugar product of our soil. It is one of the great industries of this country.

THE BEET-SUGAR INTEREST.

The beet-sugar interest of the United States is only ten years old, yet it has become thoroughly established. Fully 100,000 acres of land were last year devoted to the cultivation of the sugar beet, producing 1,000.000 tons, for which farmers were paid over $5,000,000. These beets were manufactured into sugar at thirty beet-sugar factories, which produced 100,000 tons of sugar.

Among these beet-sugar factories are those at Bay City, Mich.; Binghamton, and Rome, N. Y.; Pekin, Ill.; Lagrande, Oreg.; Norfolk, Grand Island, and Ames, Nebr.; Grand Junction and Rockyford, Colo.; Ogden, Lehi, and Springville, Utah; Carlsbad, N. Mex.; Sioux Falls, S. Dak.; Park, Minn.; Fairfield, Wash.; Crockett, Alvarado, Watsonville, Salinas, Oxnard, Chino, Beetaravia, and Los Alamitos, Cal. In addition to these, nearly fifty new factories are projected to care for the crops of next year, covering the States of New York, Pennsylvania, Virginia, Georgia, Florida, Ohio, Indiana, Illinois, Arkansas, Iowa, Minnesota, Kansas, Colorado, Utah, Idaho, Washington, Oregon, and California.

The above will show that the beet-sugar interest is confined to no one section of the country, but that practically every State can become a sugar producer, opening to its farmers another avenue to prosperity so long as their labor is not compelled to compete with that which is satisfied with 20 or 30 cents a day. In addition to opening another market to farmers, the beet-sugar factory adds to the population and prosperity of the States wherein it is situated by building up around it a town, as do manufactories of other kinds in the manufacturing States.

In California the sugar factories that have been established have become the centers of towns, where formerly there were only bare fields. The number of laborers employed, where from 2,000 to 4,000 tons of beets a day are turned into sugar, is very large, and a town necessarily grows around the factory, which gradually and surely increases by the establishment of other industries necessary to the factory, to the people, or to the neighboring farmers. The capital invested in these plants is very large; one, the Spreckles factory near Salinas, Cal., costing $2,500,000. The daily output of sugar from this factory alone is 1,000,000 pounds, which requires 25 cars of 20 tons capacity each to take it away.

IN THE INTEREST OF THE FARMERS.

If, as is said, Mr. Oxnard came here in that interest, he came here in the interest of the farmers of this country, because every twenty farmers in any county in California, in Nebraska, in Colorado, in Utah, in Kansas, aye, in Michigan, can form an association and there grow the beet that yields from 12 to 16 or 17 per cent of saccharine, and produce sugar in the factory. There can be no sugar trust or other combination in producing sugar beets in this country; and I, for one, am in favor of keeping the hundred million dollars in this country to distribute among our farmers and our own people rather than send it to China or any other foreign country to purchase the cane sugar produced by them.

It was also in evidence before the Committee that a very large percentage of the landowners of Porto Rico are Spaniards, who have thus far given no indication of becoming Porto Ricans, which they must decide to do under the treaty during the present month of April. The general impression is that they will nearly all retain their Spanish nationality, as they are not in sympathy with the United States or its institutions.

It therefore seems to me to be the part of wise statesmanship for the United States to make haste slowly. That we have the right as a nation to make such laws for the government of Porto Rico and our other acquired territory or dependencies as we believe will redound to the interest of the people I think has been uncontroverted by the learned junior Senator from Vermont [Mr. Ross] and by other constitutional lawyers who have discussed this phase of the Constitution.

The Constitution implies that we may acquire territory by discovery, treaty, or conquest; and no one denies that proposition. The right to thus acquire is derived from the fact that the United States is a sovereign nation, and has the same inherent right as such nation to acquire property that a person has to acquire and hold it, the means of acquisition being perfectly legitimate.

NEW TERRITORY.

Mr. ALLEN. Will the Senator from California allow me?

Mr. PERKINS. Certainly, with pleasure.

Mr. ALLEN. The Senator certainly does not mean to assert that the Constitution anywhere says that we may acquire territory by conquest, cession, or discovery?

Mr. PERKINS. It says by implication, and the courts, I think, have so held. I will quote you in a few minutes later what one of the great expounders of the Constitution, Mr. Webster, says.

Mr. ALLEN. There is no language of that kind in the Constitution, although by war and by discovery, I suppose, we have the implied power to obtain territory.

Mr. PERKINS. We have acquired it as the result of war, by purchase, by treaty, and by conquest. I do not know in what manner we have acquired Porto Rico unless it is the result of the war which my friend voted for in the interest of humanity.

Mr. ALLEN. It came as an incident of war.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. PERKINS. Certainly.

Mr. ALLEN. It came under our power to make war.

Mr. PERKINS. We have it now at all events, and the question is, What is best to be done with the island?

Mr. ALLEN. Will the Senator permit me right there?

Mr. PERKINS. Certainly.

Mr. ALLEN. I do not want to interrupt him unnecessarily, but in determining the status of Porto Rico should we look primarily at the welfare of the people of the United States proper or the welfare of the Porto Ricans and their wishes in the matter?

OUR FIRST DUTY.

Mr. PERKINS. I believe our first duty is to our own. A man who is not true to his own home, to his own family, to his own community, will not make a good public citizen anywhere.

Mr. ALLEN. Would the Senator take into consideration the commercial interests of the United States as superior to the welfare and happiness of the Porto Ricans?

Mr. PERKINS. Mr. President, while we can be generous and true and loyal to our own, we can at the same time be liberal to those who are less favored.

Mr. ALLEN. Suppose the Porto Ricans want political autonomy and want a republic of their own, and to give them that we come in conflict with the commercialism of the United States, to which sentiment would the Senator yield?

Mr. PERKINS. Mr. President, there is a wise saying of a very wise statesman, "It is time enough to cross the river when we

reach it." When the Porto Ricans have attained that intellectual standard, have made that advance in morals and religion and American patriotism which the distinguished Senator from Nebraska so much reveres, then we will take up this question and see what it is proper for us to do for them at that time.

Mr. ALLEN. I understand the Senator to decline to answer the question?

Mr. PERKINS. Territory may be acquired by discovery. We have discovered several islands down in the Pacific Ocean, and they belong to us by right of discovery. We have others by treaty. When territory is acquired, whether by discovery, treaty of purchase, or by conquest, it becomes property to be disposed of as the nation may see fit. The Constitution provides that this disposition of "territory and other property" is to be made by Congress, which has not only the power to "dispose of," i. e., to sell or give away, but it "may make all needful rules and regulations respecting it." Whenever this right to dispose of and make rules and regulations concerning property in territory has been disputed, whether in the courts or elsewhere, the right has always been upheld.

ACTS OF GRACE.

The erection of such acquired territory into a political entity or government, whether State or Territorial, the bestowal of citizenship upon its people, the granting of any special privileges, and relief from any burden are all mere acts of grace upon the part of the Government. With the bestowal of these rights or the reliefs from any burdens neither the President nor the judiciary have aught to do (except as the President may exercise his veto power), for the Constitution gives to "the Congress the power."

In the case of Porto Rico and other territory acquired as the result of our war with Spain, the territory came to us as the lawful prize of war, to indemnify the United States for injuries suffered and reimburse this victorious nation for the expenses of the war. The "catchy" phrase "the Constitution follows the flag" is euphonious, but it is merely claptrap and untrue. Protection to life, guardianship of property, the maintenance of order follow the flag of the United States, but all the rights, privileges, and immunities of the Constitution do not follow the flag, and if they did it would in many cases be ruinous to the nation that, as the result of war, acquires territory.

HOW CALIFORNIA WAS GOVERNED.

The history of California is a case in point. The territory of which this State was a part became territory belonging to the United States through the treaty with Mexico. Upon taking possession of it, as soon as war with Mexico was begun, a military government was established, which continued until a constitution was framed, a State government organized, and the country admitted to the Union as a State. There were during this interval of about four years as many military governors, and during all that time there was no contention that the laws of the United States applied to the Territory by virtue of the Constitution. On the contrary, it was acknowledged that they did not so apply, and that they must be extended over that Territory by act of Congress. Soon after the treaty was signed the President brought this matter to the notice of Congress in messages, but no action was taken. In his message of December 4, 1848, President Polk said:

It will be important to extend our revenue laws over these Territories, and especially over California, at an early period. There is already a considerable commerce with California, and until ports of entry shall be established and collectors appointed no revenues can be received.

A collection district was soon after formed, a collector appointed, and the revenue laws made to apply to the Territory. But this was nearly the extent to which the laws of the United States applied to the new Territory up to 1850.

At the time California was admitted as a State the military governor reported that the only government in the Territory was that established by the Mexicans, with the exception of a few military orders issued by him or his predecessors. The new Territory was left practically to itself for four years, during which time the Constitution had not of its own power extended over it the laws. Indeed, it was expressly acknowledged that Congress could alone extend these laws over California. The Constitution clearly did not follow the flag in this or other instances of the kind. Congress had power then, as it has now, to place a new Territory under such laws as it thought fit.

A TIME FOR EDUCATION NECESSARY.

Porto Rico and the Philippines are ours to have and to hold and to dispose of as Congress in its wisdom may see fit. If we retain them, a period of pupilage—a time for education—must be theirs, so that they may be fitted to understand and have the capacity to enjoy the rights of American citizenship.

Were it true that the Constitution follows the flag, we would have to be careful about going to war, and still more careful of the acquisition of territory that might come to us as victors. The doctrine is practically destructive of the war power of the Constitution.

Suppose that, as the result of the Spanish war, Spain herself had fallen to us as a territory, indemnifying us for the expenses and losses of the war—a territory filled with a people possessed with animosity toward us, their conquerors, hatred of our institutions, and incapable because of training and education to assimilate with us for centuries to come—would anyone claim, would my friend from Nebraska [Mr. ALLEN], or my friend from South Carolina [Mr. TILLMAN] claim, that we should give those hostile Spaniards all rights which we possess under the Constitution? Should citizenship with its blessings be theirs?

Mr. TILLMAN. Mr. President——

Mr. PERKINS. Should they be admitted to freedom of trade and equality of commerce with us?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. PERKINS. Certainly.

THE QUESTION OF EQUALITY.

Mr. TILLMAN. I understood the Senator a few minutes ago to speak about the ownership of land in Porto Rico, and he seemed to reprobate or to oppose equality under the flag because some Englishmen and a large number of Spaniards own the real estate there. Therefore he limits the benefits of liberty to the nationality, does he?

Mr. PERKINS. Not at all, Mr. President; but the Porto Ricans are electing, many of them, to become citizens under the treaty. The Spaniards say they have no sympathy with our institutions or with our form of Government. The Englishmen say, in effect, the same. They say: "We will maintain our allegiance to our mother country; we want all of these privileges and all of these benefits, but we will remain your landlords."

Mr. TILLMAN. What will we do, then, if all the land there belongs to aliens—Spaniards and Englishmen? Are you just going

to leave that island dangling between Scylla and Charybdis, or between the devil and the deep sea, so to speak? Are you going to hold on to it, and yet not let it have any of the benefits of citizenship?

Mr. PERKINS. My friend is off his course, using a nautical phrase. I used that as one of the arguments to show that it was not the plain people, that it was not the working people, the middle class, who were asking for free trade, but it was the foreign landholders, the foreign capitalists, and I said it was one of those conditions which existed there that your committee had taken into consideration when this bill was before them.

NOT A PARALLEL CASE.

Mr. TILLMAN. Well, I should like to have the Senator's interpretation or explanation of the purpose which he has, ulterior or present, in regard to this alien landlordism. Are we as a nation here going to legislate for the common people of Porto Rico or for the landlords? I understood him to say that we were going to legislate for the common people. How are you going to relieve those common people unless you turn that government over to them and let them legislate those people out of their homes by taxation?

Mr. PERKINS. If the land were open, as it has been in our Western States, and we could send our farmers from South Carolina and from New England there to build homesteads, to preempt the land by homesteading upon it, then I could see that we might give them American citizenship, and that we might take them into our political family. But I am relating now the conditions that exist there.

Mr. TILLMAN. What do you want with those people at all, then?

Mr. PERKINS. You have got them.

Mr. TILLMAN. If we have the Porto Rican case on hand in such a way that we can not elevate the common masses and give them a chance to get homes, and can not legislate against the landlords who live in Spain or in England, what do we want with the island at all?

Mr. PERKINS. My friend voted for the treaty which gave us the island.

Mr. TILLMAN. I beg pardon; I did not. I did my level best to defeat it, and I wish to God it never had been passed.

Mr. PERKINS. The treaty was ratified with the influence on his side. His friends aided it just the same.

Mr. TILLMAN. There were only three or four over here who voted for it.

Mr. PERKINS. Mr. President, following the thread of my narrative as to the acquisition of territory, I want to suppose a case that is not unlikely to occur. An Asiatic war, we will suppose, takes place, into which this Republic might be drawn, and we are victors in the struggle, as we always are. With my friend from South Carolina on our side there is no such word as fail. Suppose the Chinese Empire should fall to us as a war indemnity. We would have acquired a territory with 400,000,000 of population, of a class that we have spurned from our shores as we would a pestilence. Should those unassimilative people be permitted to overrun us and affect the body politic and our institutions with a leprosy worse than death itself, because of the recognition of the absurd catch phrase that has been bandied from one to another

and brought hither and thither, that "the Constitution follows the flag?"

THE MEANING OF THE FLAG.

Mr. TILLMAN. Mr. President, does the Senator recall that one of the catch phrases that is very popular was promulgated by President McKinley at Ocean Grove, that the flag would not mean one thing in the Philippines and another in Porto Rico and another in the United States, but that it would mean the same thing everywhere?

Mr. PERKINS. Mr. President, President McKinley was right when he said it. The flag means protection; it means law and order; it means that everyone who will obey the law shall have the protection of the flag, of Old Glory. President McKinley has said many patriotic and noble things. He never said a truer word than that where the flag goes, where Old Glory waves, there is the bond for law and order. When a sailor boy in a foreign country I have seen Old Glory flying over the American consul's house, and as I approached it I almost felt as Moses felt when he drew near the burning bush and the voice came to him, "Thou standeth on holy ground."

Mr. TILLMAN. Now, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. PERKINS. Certainly.

Mr. TILLMAN. If the President said only what was true and right then, what about this other catch phrase of his, that it is our plain duty to give Porto Rico free trade? He seems to have been mistaken once in his infallible utterances, anyway.

THE PRESIDENT AND THE FLAG.

Mr. PERKINS. Mr. President, none of us are infallible. It is said that wise men sometimes change their minds. Others who are not so wise persist in saying that the horse is 16 hands high, and they adhere to an opinion previously formed.

It has been clearly elucidated to-day that it was impracticable to collect any other tax for the support of that government except in the manner which your committee have provided for. I have heard my friend again and again say here that the way to dispense charity is to help people help themselves; and so the President, so the people of the United States, want to reach out their helping hand to the Porto Ricans and say, "We will help you to help yourselves." That is right.

That is true charity, Mr. President. A man who dispenses alms and gives it for grace alone does not benefit the receiver if he is well, but he does him a great injury. My friend has added another tribute in his very words of criticism, one which redounds to the praise and credit of President McKinley, who is patriotic and loyal and who wants to do that which is for the best interests of the people of our whole country and those who as a result of the war have fallen to us.

But, as I said, shall these unassimilative people be permitted to overrun us and affect the body politic and our institutions with a leprosy worse than death itself because of recognition of the absurd catch phrase, I repeat it, that "the Constitution follows the flag?" Better defeat to our arms and the payment by us of a war indemnity than that; aye, a hundred times better. When defeat is more advantageous to a nation than victory, it will cease to wage war, and the duty imposed upon Congress by the Constitution "to raise and support armies" and "to provide and maintain a navy" need no longer be performed.

DANIEL WEBSTER ON THE CONSTITUTION.

In the discussion of the question of extending the Constitution and laws of the United States to Upper California and New Mexico, the great "expounder of the Constitution," Daniel Webster, said:

> Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen.
>
> It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty, is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said that this must be so, else the right of the habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. Certainly.

Mr. BACON. If the Senator will pardon me, I do not like to interrupt him. The extract from Daniel Webster's speech was a speech made in a law case, was it not?

Mr. PERKINS. It was made in the Senate. He was the great expounder of the Constitution, second in the opinion, I am sure, of my friend from Georgia only to John C. Calhoun.

Mr. BACON. Oh, I do not hold him second. Does the Senator say that that was in a debate in the Senate?

Mr. PERKINS. In the Senate.

Mr. BACON. Will the Senator kindly state what debate it was?

Mr. PERKINS. I took it from Benton's Thirty Years in the Senate.

Mr. BACON. I think the Senator will find, if he will notice, that it was uttered elsewhere. I may be mistaken, but I know he did express a similar opinion in a law case.

WHAT WE SHOULD CONSIDER.

Mr. PERKINS. He said it in a discussion of the question of extending the Constitution and laws of the United States to Lower California and to New Mexico. I copied this extract from his speech in Benton's Thirty Years in the Senate. I will read what was said again by Webster, that grand old man. I like to read that which he said as I do the Proverbs of Solomon, and I know that it will leave lasting impression upon those of us who ponder well upon his words. He was a beacon light of patriotism in the history of our country, and we can all afford to be devotees at the shrine of patriotism. Mr. Webster said again:

> The Constitution was made for the States, not Territories; that no part of it went to a Territory unless specifically extended to it by act of Congress; that the Territories from first to last were governed as Congress chose to govern them, independently of the Constitution and often contrary to it, as in denying them representatives in Congress, a vote for President and Vice-President, the protection of the Supreme Court; that Congress was constantly doing things in the Territories without constitutional objection (as making mere local roads and bridges) which could not be attempted in a State.

I speak of this from a layman's standpoint, and as one who can go out on the sands and gather up pebbles and when he sees one of great value it comes home to him intuitively that it is not an ordinary gem. So it seems to me, after reading this discussion, that there can be no question but what the right is given Congress

under the Constitution to enact such legislation as it deem wise and expedient for the government of our Territories and dependencies.

In framing laws for our new possessions, it is, in my opinion necessary for us to consider the needs of the constitutional States as well as to consider those of the islands; and it is possible for us all to concur, I think, that the needs of the islands may not be exactly those of the States, and that consequently laws necessary in the latter might not be the best for the former. I fear there is a disposition on the part of many, a great disposition of the great sympathetic people of our country, to permit their sympathy to outweigh judgment in this matter.

If there is we should be on our guard against it, lest it lead us into paths on which there is no turning back and which lead no one can now say where, but, perchance, to disaster. In dealing with this question, therefore, it behooves us to exercise calm, judicial judgment, uninfluenced by those feelings which, while among the most noble of humanity and which come straight from our hearts, we should be careful not to be unduly influenced by, feelings which may lead us astray.

PORTO RICO CAME LIKE A METEOR.

The little island of Porto Rico comes to us under peculiar circumstances. We did not seek it. Like a meteor from the sky that falls to the earth, we did not invite it to come, but it is here, and can not be disposed of by declaring that there is no authority under the Constitution to remove this meteor from the earth. Porto Rico was thrust upon us by war. Its people had never asked, perhaps had never desired, to become a part of the United States. Their civilization was impressed upon them by a nation in which the principles of freedom and self-government have hardly even yet taken root.

They are wholly ignorant of those principles, and their beliefs and customs are not those of the Anglo-Saxon, whose thousand years or more of struggles for self-government have had a cumulative effect which is seen in the institutions of our own country. They are not yet Americans, though they now deserve to be such, and Americans they can not be without going through some of the stages of development through which our ancestors have passed.

The peoples of a country can not, like Aaron's rod, blossom and bear fruit in twenty-four hours. The transition of a government of despotism to democracy is a slow process; the masses are not prepared for the change; generation after generation must first be educated in the school of civil and religious liberty before they can fully appreciate the benefits they may enjoy under a republican form of government.

"Heaven is not reached at a single bound:
But we build the ladder by which we rise
From the lowly earth to the vaulted skies,
And we mount to its summit round by round."

It is to my mind clearly evident that in the case of this island we have to deal with questions which differ materially from those presented by the acquisition of continental territory, in which the characteristics of American life were at the time, or very shortly thereafter, predominant. In none of these cases was it necessary to deal with problems furnished by a foreign population, for that population was at once overwhelmed by Americans and practically ceased to exist. We are not, therefore, legislating for the Louisiana purchase, for Texas, or for California, but we are legislating for a people foreign to our institutions and our civilization, and

in thus legislating these facts should be constantly borne in mind. Though attached to us by indissoluble bonds, Porto Rico is not yet an integral part of the United States. That union can come only when the island, through education and experience, becomes American.

A SCHEME OF CIVIL GOVERNMENT.

The bill before us deals with Porto Rico upon this basis. It provides a scheme for civil government, through which the people may be educated along those lines which the Anglo-Saxon has followed so long, and which in time will make them in truth as in fact citizens of the United States. It is due them that they should have this privilege, and it is granted to them in this bill. But with this privilege go responsibilities, one of which is self-support. The affairs of the island can not be administered without cost, and it is no part of the character of freemen to permit themselves to be supported by others. Self-government and self-support are inseparable. Can it, therefore, be separated in the case of Porto Rico at the bidding of sympathy without doing wrong to the people of the island and violating our own principles?

It has been a question as to the best manner in which this self-support can be secured. There are two ways in which the United States gets the means of self-support—through customs duties and internal taxes. We of the United States pay both kinds of tribute, and find it no great burden as compared with the benefits we derive. Even the internal tax for war purposes is lightly borne and not felt by the masses. But how would a land, poll, or consumption tax be considered by a people of whom the Chief of the Bureau of Statistics thus spoke in 1898:

> While the 200,000 (of its 1,000,000) of its population who live in cities and villages enjoy some of the conveniences to which our people are accustomed, the large proportion of the rural population is of extremely simple habits in the matter of food, clothing, and habitation, and with small earning capacity and a small per capita of a depreciated currency can not be expected to soon become large consumers of our products.
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> A little rice, a little flour, a few beans, and plenty of bananas, plantains, breadfruits, and vegetables satisfy their physical necessities; a few yards of cotton cloth for the adults and nothing for the children meet their principal requirements for clothing, while a few rough boards and a plentiful supply of plantain and palm leaves supply the material for the humble dwellings throughout the interior and in many of the villages. With but about one-fifth of its population able to read and write, the knowledge of the outside world is extremely limited and with only 150 miles of railroad and less than 250 miles of good wagon road on the island the means of intercommunication are not such as to enable a prompt stimulation of its production or consumption.

PORTO RICO'S ADVANTAGE 85 PER CENT.

It is hardly possible that a land, poll, or consumption tax on a people such as are here described could with justice to them be imposed. The domestic business pursuits should be untrammeled, and in consequence it has been deemed wise, as well as expedient, to impose no tax of this kind on the island, but to raise what money is needed by an indirect tax from duty on its exports to this country and internal-revenue taxes on manufactured articles only that are exported into the United States.

The money thus collected, being derived in this way, and also from duties on foreign imports into Porto Rico, comes from the most productive kinds of business in the island. So this indirect tax is less severely felt than if of a more general character, and every dollar thus collected is turned into the insular treasury of Porto Rico for the sole benefit of the people of that island; while in the District of Columbia and every other Territory of the United States the money collected from internal revenue is paid into the National Treasury at Washington.

But in order to reduce the revenue collected from the island to a minimum this duty has been fixed at only 15 per cent of the existing tariff rates, thus giving to Porto Rico an advantage of 85 per cent over its competitors. In order further to favor the people of the island no duty is levied on flour, rice, produce, cereals, beans, fish, pork, bacon, fresh beef, mutton, and many other articles of food; also, books and pamphlets printed in the Spanish and the English languages, lumber, oxen, machinery, etc., for making sugar, rum, and brandy, and we have reduced the duty upon building material and other articles to less than one-half of the regular tariff on imports from the United States.

UNPRECEDENTED GENEROSITY.

No Territory of the United States has ever been treated in so liberal a manner as this Government now proposes to treat Porto Rico. In the District of Alaska Congress has imposed a special license tax upon business industries, which paid into the National Treasury last year nearly a quarter of a million dollars, and this, too, in our own Territory of Alaska, snowbound and away up in the polar regions. We have imposed that upon our own people, and yet our sympathetic friends say that this bill is an outrageous oppression upon the Porto Ricans.

Mr. President, I would be just to all; but I never did when a boy have any patience with those good, kind-hearted, dear old women who met on Friday afternoons at a sewing society and there made pantalettes and clothing for the Hottentot children of South Africa, while their own neighbors' children were going about barelegged and barefooted. I believe in charity commencing at home.

So I say in this case we have made an exception, perhaps, to the general rule, because Providence in His wisdom sent a great tornado, a great hurricane, over that island, causing devastation and ruin to the people. Tornadoes come in Nebraska; epidemics and pestilences stalk broadcast over our land; and yet we do not ask charity or this beneficent kindness from our Government; but we press forward and commence again to combat what may be called a special dispensation of Providence, to bring us to a realizing sense that we are only mortal, and that we, perhaps, are progressing too rapidly in our material affairs.

The only tax that is to be paid in Porto Rico is that upon the most profitable kinds of productive enterprise, and all the money thus collected is to be returned to the island for public purposes. This and such other expenditures as the General Government will make from the general revenue of the United States for the support of our Army and Navy, improvement of fortifications, geological and coast and geodetic surveys, light-houses, quarantine stations, Government roads, parks, etc., should and will tend to promote the well being and prosperity of the island.

OUR TREATMENT OF THE ISLAND.

The new public works undertaken will be of lasting benefit to the inhabitants; money will be expended in wages, which will give relief to many of the needy, and all will feel the beneficent effect of an era of progress. A few days since Congress passed an act appropriating $2,095,455.98 to be expended in Porto Rico for the benefit of that island, and our people and the Government have poured in tens of thousands of dollars' worth of provisions and supplies to relieve the sufferers from the tornado that swept over a part of the island.

Contrast this liberal treatment with that of Spain toward Porto

Rico. Dr. Carroll, special Treasury agent, sent to the island to report upon its condition, states in his report, at page 57, that an export duty and cargo taxes were levied by Spain in Puerto Rico on coffee, tobacco, and other articles, and that this tax alone in 1896 amounted to $351,624. This, with taxes upon real estate, consumption tax, and other taxes, amounts to ten or twenty times the small duty we propose to levy upon her sugar and tobacco.

The Statesman's Yearbook, an English publication, recognized as reliable authority, states that Spain levied taxes upon Porto Rico in 1896 amounting to $1,091,000 and expended only $781,000 in the island, the remainder being Spanish profit from this colony. To this we may add the enormous salaries paid from the resources of Porto Rico to the Spanish court officials that were sent over from Spain to administer the military and civil government of the island.

THE HIDDEN SECRET.

A letter written from Porto Rico to the Hon. G. W. STEELE, of the House of Representatives and read there a few days ago, not only shows conclusively that a tariff of 15 per cent will be entirely acceptable, but indicates that the only class who would benefit from absolute free trade are the very ones who, it is now alleged, desire this tariff. The pertinent portions of this letter are as follows:

SAN JUAN, PORTO RICO, *March 17, 1900.*

MY DEAR MAJOR: We are watching with interest here the hurricane that the proposed 15 per cent tariff has raised, and are wondering what it is all about. A 15 per cent tariff is not obnoxious to the people here; at any rate not to the planters and to the great body of the people, the only clamorers for out-and-out free trade being the men who have bought up most of the sugar and a good part of the tobacco.

I am credibly informed that the American Tobacco Company has absorbed the greater part of the tobacco interests of the island, and absolute free trade would mean that they stand to make a pocketful of money. This talk of the placing of the tariff at the behest of the trusts which control tobacco and sugar strikes us here as the most arrant rot, since those very interests are the ones that would profit most from absolute free trade. The people here take it that the United States is not going to appropriate money from the National Treasury for the purpose of running this island. Hence the money, about two and a half millions a year, must be raised either by a tariff or by direct taxation.

Under the present system there is not a cent of taxes collected on land or improved real estate. The insular revenues have come from tariff, and the municipal fund has come from taxes on the necessaries of life. Even under this system the planters have had to appeal for a suspension of process to save their lands from foreclosure, and the levy and collection at this time of a direct tax would practically mean the sale of the island under the hammer. Perhaps the holders of the mortgages have a voice in the clamor, for the purpose of forcing the plantations into the hands of the sheriff.

The experience here has been that the removal of the tariff has not cheapened anything to the consumer. Acting under the demand for cheaper necessaries, the War Department removed the tariff from rice, bacon, beef, beans, and a number of other articles, but despite this removal of the tariff, not one of these articles sells any part of a cent cheaper in the stores to-day than they did with the tariff imposed, and whatever benefit has been derived from the abolition of those tariff dues has been divided between the wholesaler and the retailer.

THE TRUE SITUATION.

I believe, Mr. President, that this letter sets forth the true situation in Porto Rico as far as this proposed tariff is concerned. I do not see that the abolition of this 15 per cent tax would benefit any others than those indicated, or that it could tend to increase export trade appreciably more than the 85 per cent reduction proposed will do. Indeed, according to this letter, the abolition of the tariff on goods imported into the island is of no practical benefit to the consumers. The pork packers and millers of the West and other provision dealers of the East would simply divide the

duty saved with the sellers of the articles. Yet this duty has been omitted from the bill in the hope that competition will eventually reduce the selling prices of the articles, so that the purchasers may after a while derive some benefit from the omission.

Besides all this, the bill, if enacted into law, will remain in force only two years, during which time its defects will be fully ascertained. If any are made apparent, it will be possible to correct them before any appreciable damage has been wrought. I do not see, Mr. President, how any plan could be fairer to the people of Porto Rico than the one proposed.

In talking with one of the advocates of free trade about the ungenerous manner in which he said we had treated the Porto Ricans. I asked him, after citing him the principal features of this bill, what we had done to oppress those people that was so much more severe than had been the treatment of Spain? "Why," said he, "Spain permitted them to vote; they voted under the despotic Spanish Government; and now our free republican Government has stepped in and denies them the right to the ballot."

Mr. President, it is in evidence before your committee that while those people had the right to vote under the Spanish régime, they had but a very small minority of the returning board, and the result of the elections was always in accordance with the edict which had been promulgated by the captain-general of the island, who said the Crown—the home government—desired the result of the ballot to be in favor of such and such persons. The returning board always complied with their instructions to the letter, and it has been said that in the whole history and experience of the elective franchise in Porto Rico this great boon that was given them and that we have denied to those oppressed people there had never been an instance where the result of the election was not in accordance with the desire of those who were in authority and who wanted such and such persons elected.

THE PRINCIPLE OF PROTECTION.

But, Mr. President, in addition to the wise and beneficent features I have alluded to, while we have been, as I have said, more generous and more liberal to Porto Rico than we have ever been to any Territory of the United States, the bill has in view one other prominent point, to my mind, which I think your committee are entitled to credit for embodying in it.

The bill maintains the principle of protection to American labor and American civilization against foreign competition and influence; and in justice to ourselves this protection must be always maintained. Sympathy for other races less fortunate than we should not induce us to open our doors to influences that would tend to sink us to their level. There is and can be no stationary period in our career as a nation.

We must either go forward or backward. Our course up to this time has been always forward, and we should see to it that it shall be always so as far as we can determine it. In our efforts to determine what the future shall be, I do not think we can do better than to maintain at all points the principle of protection until we can see a little farther into the future. We shall have to deal with problems concerning other races and other civilizations. which differ more from our own than do those found in Porto Rico; and it will be long before we can see clearly all the conditions surrounding them, and be in a position to act intelligently for the best interests of these people as well as for ourselves.

The interests of our own country and people must always be

first in our minds, and we must act with that idea predominant. We should be recreant in our duty to our own should we permit any opening to occur through which danger might come to them. Their greatest safety will be, in the future as in the past, that protection against the influences of alien customs, habits, and ways of life which has been provided by our laws and hallowed by the benediction of our forefathers. We should in no case make exemptions from that policy which may be used hereafter as grounds for urging its wholesale abrogation.

The honor and dignity of labor should ever be maintained and protected against competition from servile and cheap contract labor, no matter from what source it may come, whether it be from our own territory or dependencies in the islands of the sea, or whether it comes masquerading under the guise of reciprocity.

For these reasons I believe it wise to maintain this principle as against Porto Rico until the future is more clear than it is now, and until we can learn what a breach in the existing laws will admit, whether influences for good or for evil.

GOVERNMENT THROUGH THE PRESIDENT.

I would call to mind, Mr. President, the manner in which Porto Rico has been governed up to this time by the President, acting through military governors. I do not think it can be denied that there have been much better conditions than under Spanish rule. It is true that the elements have brought great distress to the people, but even for political purposes such misfortune can not be laid at the door of the Administration. The fact is that, aside from the destruction worked by a hurricane, the island of Porto Rico is better off than it has ever been since Spain possessed it.

It was overwhelmed with taxes which bore hard on all classes of people. Even what they consumed was taxed; and their incomes, above expenses, had to yield a portion to be sent to Spain. Export as well as import duties were levied, and a tonnage tax and other schemes for raising money were tried. But, as soon as the island came into possession of the United States, an effort was at once made to relieve the people of some of these burdens.

Beef and mutton, oxen, machinery, food stuffs, building material, etc., were admitted free of duty. The price of bread was brought down from 8 to 4 cents. There was a tax on consumption levied on all articles to eat, drink, or burn. Sugar, sold for 3 cents, was made thus to cost the consumer 6 cents. Every little town imposed this consumption tax on rum, rice, beer, pease, meat, charcoal, milk, etc. All these taxes have been abolished. Everywhere there was an income tax, the Spanish Government determining what that income was by making its own estimate. This has been abolished also. Every bit of land was taxed for all it could bear, and the money made to swell the amount collected by Spain, and in all these collections the Spanish citizen was always enabled, by characteristic means, to secure material rebates, thus thrusting the burden on the very poorest classes.

All this iniquitous system has been abolished by the President, and the military government established has been a blessing to the people. These taxes which have ground the poor to the dust should not be revived by any system of direct taxation. The most profitable business enterprises of the island should be made to pay their fair share of the expenses, which they have so long escaped. This is provided for in the present bill. But even without such a law as is here proposed the people of Porto Rico would be far better off than they ever were under the rule of Spain.

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AN AMERICAN POLICY, AN AMERICAN MARKET, AND AMERICAN WAGES FOR THE FARMER AND WORKMAN.

The American protectionist does not seek to evade the legitimate results of his theory. He starts with the proposition that whatever is manufactured at home gives work and wages to our own people, and that if the duty is even put so high as to prohibit the import of the foreign article, the competition of home producers will rapidly reduce the price to the consumer.—*James G. Blaine.*

THE TARIFF.

SPEECH

OF

HON. GEORGE C. PERKINS,

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HON. GEORGE C. PERKINS,

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Thursday, April 19, 1894.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes—

Mr. PERKINS said:

Mr. PRESIDENT: One of the most difficult problems of national legislation is to enact laws that shall be in harmony with the intelligent thought of the people from all portions of this vast Republic; from the northern line to the Gulf of Mexico; from the extreme west to the eastern boundary. A diversity of interests must ever characterize a country so vast in extent as ours, and this fact should imbue us with charity for the opinions of those who differ with us. We are each of us, to a greater or less extent, influenced by our environments and local interests. But aside from all these differences growing out of divergent localities, there is one point upon which all intelligent and patriotic Americans at least should be able to agree, and that is upon the necessity for an American policy upon all questions of citizenship, of taxation, and, as far as possible, of finance.

Love for our Country and her Institutions.

We should have no other political creed but love for our common country and her institutions. The stability of nations, of empires, of dynasties, is grounded in the selfishness of their adherents and supporters. So true is this, and so generally acknowledged, that it has become almost axiomatic that nations are strong in proportion as they are selfish. Under the present order of things the question that conserves the highest degree of welfare for us should be paramount in our affections, even though other nations would gladly have it otherwise. Protection of our homes, of our industries, and the elevation and dignity of labor should be the principal cardinal doctrine of every patriotic American citizen. The question of expense and revenue is a very simple one that comes home to each member of every community, and the same rule that applies to us as individuals must govern us collectively, whether organized into a municipality, a State, or a nation.

A Business Proposition to be Considered.

Is it not then a plain business proposition, divested of all specious pleading, that we have before us for consideration? It requires in round numbers say $500,000,000 per annum to properly carry on this Government. That is, we must provide that much money for the expenses of the legislative, judicial, and executive departments of the Government. The support of the Army and Navy, diplomatic service, coast fortifications, river and harbor improvements, public buildings, light-house and life-saving service, pensions and hospitals, interest on public debt, scientific research, and other purposes, all intended for the benefit, advancement, and honor of this great Republic. This large sum of money must be obtained either by direct or indirect taxation. It must all come from our own people, and from those that do business with us from other countries, selling us the products that come from their soil, or that which is manufactured by the skill or labor of foreign workmen.

Our people pay their taxes for the support of municipal, county, State, and National Government; and, in addition thereto, they must pay a special license for conducting the business in which they are engaged. Why then should we permit foreign nations to bring here, without paying for the privilege, their products and wares to compete with our industries, giving them equal if not better advantages than our own people. We have a land extending through many degress of latitude and longitude that is capable of producing everything known to the vegetable kingdom, while our mines of mineral wealth are diversified and practically inexhaustible. We honor labor as the source of all wealth, and it is the labor of American manhood that has developed the resources of the country and is to-day its power and safety.

How to Raise the Revenues.

It has been the policy and plan, for the past thirty years, of wise American statesmanship to raise about one-half of the expense of the Government by placing an import duty upon the products of other lands that come into this country for consumption or use of our people, and to so adjust these duties that they will best protect and foster American industries, and thereby dignify and protect American labor against the cheap, servile, and contract labor of foreign lands. That this is the correct principle is evidenced from the fact that during this time our industrial interests have been stimulated and our people prosperous, contented, and happy.

The Wilson Tariff Bill.

The bill before us for consideration, designated a tariff for revenue, proposes to take from the import duties $75,000,000, which is simply a license the producer pays for the privilege of entering into our home market with his merchandise on equal terms with one to the manor born, and impose this additional burden upon our own people in the form of increased excise duty and an income tax upon the gain or profit made by their diligence, industry, and enterprise. When we consider this contemplated change and remember the deep interest taken by England and other European powers in our late Presidential election, with what force does the prophetic words of Thomas Jefferson come home to us when he said:

The election of a President of America some years hence will be much more

interesting to certain nations of Europe than ever the election of a King of Poland was.

When in periods of great financial crisis, due to or affected by the action of government, it becomes the duty of all officers of the government to inquire into any and all causes for the disturbance of the business affairs, to promote the prosperity of our people, to add to their comfort and strengthen their power, and to do all these things unbiased by personal or local interests and untrammeled by party affiliations.

The Trouble and the Remedy.

After these investigations it becomes our duty to set forth the causes leading to our conclusions and state the remedies, if found. Actuated by an earnest desire for the general welfare of our entire country, and regarding the question of national finance as a purely business question, I hope to discuss it as a business man from a broad business basis.

The fact is conceded that a general depression in business prevails over our entire country, enterprise stagnant, labor unemployed, the revenues of Government lagging behind the expenditures, the debt increasing and national bankruptcy impending. This in a time of peace with the world, in a time of general health and a period of unusual agricultural and mineral productiveness, presents a condition that may well be denominated a crisis. This condition in the United States is attributed to changes and threatened changes of our revenue laws and the violent partisan agitation thereof.

How to Support the Government.

There are many theories of methods for the acquisition of means for the support of government: as a single tax upon land; the issuing of mortgage bonds on land; a direct tax, consequent upon free foreign trade; internal revenue, or tax upon home products, manufactures, business transactions, inheritances, incomes, and prosperity; governmental ownership of railroads, canals, and inland water ways; in the transmission of telegraphic and telephonic messages; in the business of banking and exchanges connected with its postal system; and by levying a uniform duty on imports without any variation or discrimination whatever; our plan, the Republican plan, of levying duties with discriminations designed to protect American industries and products, to foster American manufacture, to develop American resources, to lighten the burdens of taxation of the busy and industrious classes; to exact as far as possible a toll from the foreign producer or manufacturer upon the goods and wares imported in competition with like goods and wares of home production or manufacture.

A System of Schedules of Disputes.

Such are some of the different methods proposed by theorists and parties in our country. Other countries have other methods of land rentals, mining royalties, business monopolies, and many devices for the acquisition of revenue. As business men we should discuss and enlighten ourselves on all the methods devised by theorists or statesmen, and, after thorough and impartial examination, adopt that which is most equitable and practicable, accomplishing the purpose in view of giving revenue and fostering our general welfare. While the many theories have their advocates, with books written, conventions held, and

parties formed in their interests, there has but one been presented for our discussion at the present time, and this presents but a system of schedules for dispute.

The Various Kinds of Tariffs.

We have been accustomed to hear much about a tariff for revenue without discrimination as the only constitutional tariff, and a tariff for revenue with discrimination, and upon these distinctions the American people divided into parties in the early part of this century. These were the tariffs for revenue and the tariff for protection. The first was the theories upon which was based the Democratic party and the latter the basis of the Whig party, and maintained by the Republican party. Upon these many battles of the hustings and the forum have been fought, and over the failure of one and the triumph of the other has the country been agitated, its business depressed or promoted. These propositions were well defined in the platform of the two, yes, three or four, political parties in the last general campaign, and these were expected to be discussed in this Congress. But we have wandered far away from our course.

The Democratic party has fallen from its high estate, abandoned its principles utterly, and instead of making open and bold war upon its ancient doctrines and adopted platform, enters beneath the Republican platform, attacks the Republican tariff measure which it declared unconstitutional and a robbery, and tearing it down attempts to build on the same principles a weaker structure from the same materials. We are thus brought to this strange contest, with no great fundamental principle to investigate, but to contrast as a measure of polity the legitimate with the illegitimate, the complete with the incomplete, the strong and carefully completed structure with that made of the madly gathered and weakened fragments.

The Difference Between Them.

The questions we have before us are denominated the Wilson bill and the McKinley bill, or rather the amendments to and reconstruction of the latter. The McKinley tariff was a growth of thirty years' experience, modified after many years of careful study, and with some amendments, would be perfected in its general scope so that it would provide sufficient revenue with the least possible burdens, thereby giving the best encouragement to commerce and the greatest possible protection to home people and to home industries. With this evolution by years of the protection tariff system under the guidance of men of great business discernment, pure patriotism, extending its beneficence over every section, State, country, hamlet, and farm of the Union, holding firm that which is our own, by ourselves, and for ourselves, enhancing our prosperity and strengthening our strength, we ask that it be maintained as a whole and that which is experimental, protective in principle, yet confessedly ineffective in its protection, claiming to seek revenue, yet admitted to fall far short of obtaining requisite revenue be quickly and utterly rejected.

The Interest of California in the Bill.

In discussing the question of tariff or protection, of mutual assistance, national development, and national revenue, it may appear selfish to advocate the special interest or interests of a single State, but of California interests I will speak, as they af-

fect the whole. One knowing California can not speak of her without enthu[illegible]sm; vast in area, grand in scenery, genial in climate; almost every mineral known to man, often beneath a soil of great fertility or in mountain rocks or desert plains; a State of such varied and unlimited natural resources that she could be inclosed in a Chinese wall of impenetrability and possess within herself all the necessities and luxuries of life, all the raw materials used in manufactures, the facilities of manufacture, the means of defense, the money of commerce, and all that goes to make a rich and powerful people. But California is an integral part of this fraternal Union, the western buttress of this mighty Government, sharing in all the hopes, glories, burdens, and responsibilities of her sister States. So illimitable are her resources that she can claim preëminence in agriculture, horticulture, viticulture, and minerals. Of the latter, only the most experienced of scientists can rehearse the catalogue.

The Resources of California.

California is vast in area and illimitable in resources, and over all is the most genial and salubrious climate known in civilized lands. With an area of 158,360 square miles, equal to 101,350,400 acres, she has but 1,208,130 inhabitants, as shown by the last census. Excluding deserts and lofty mountain ridges, there is remaining an area larger than all Great Britain and Ireland, which, acre for acre, possesses resources equal if not superior, and can maintain as dense a population in much greater comfort and attain a greater wealth. This vast area we want developed. You want it developed. You want its products and we want your products. We want many millions of people where we now have so few. We want, however, American citizens in the true and patriotic interpretation of the name!

Besides the minerals, California in 1892 produced 39,157,000 bushels of wheat, 13,000,000 bushels of barley, 6,000,000 bushels of corn, 33,000,000 pounds of wool, 2,000,000 gallons of brandy, 20,000,000 gallons of wine, 22,000,000 pounds of beet sugar, and 35,142,969 pounds in 1893, the entire beet-sugar product of the United States being 44,953,264 pounds.

The Fruit Industries of the State.

California exported, chiefly to the East, in 1892, 112,719,200 pounds of fresh deciduous fruit, 69,715,000 pounds of citrus fruit, 59,432,661 pounds of dried fruit, 53,336,960 pounds of raisins, 110,574,420 pounds of canned fruit, and 4,126,605 pounds of almonds and walnuts. The development of these industries which have afforded these exports has been aided by protection, which should be enlarged rather than diminished. As the production of the semitropic fruits in our country has increased the price has declined and the consumption kept pace with the production. The fact is also established that our oranges, lemons, figs, raisins, currants, olives and olive oil, almonds, and walnuts are equal in quality to the best and superior in general to the like products imported.

But California contends at a disadvantage with the old and populous country of the Mediterranean, of cheap labor, low rates of interest, and cheap transportation. Over mountains and deserts the California products must be carried, but notwithstanding these hardships the East is supplied with fruit of bet-

ter quality and lower rates than formerly, when the foreign market had the monopoly. Yet with this great product not one-fifth of the people of the United States enjoy the luxury of semitropic fruits and nuts. We ask that the prevailing duties on these be not disturbed, and that the bill under consideration be so amended that these industries may continue to develop and increase.

The home production of semitropic fruits appears to have largely increased their consumption. Formerly rare and costly luxuries, they are coming into more common use, and we may look forward to the time when they will become common but cheap luxuries to all classes of people. That this is a desideratum devoutly to be wished no one will deny, and it may be accomplished under just protection. The value of olive oil imported in 1881 was $480,683 for 384,412 gallons, and in 1891, under an increased duty, was $876,613 for 733,489 gallons.

The Semitropical Fruits.

In the meantime the production in California has largely increased, and is now marching on to a business of great magnitude, olive orchards being planted in every section of the State. Pickled olives were imported in 1891 to the value of $320,163. This commodity is proposed to be placed on the free list. California given protection will supply the demand with a better article, and in time at less rates. The importation of dried prunes has averaged 60,000,000 pounds annually during the past seven years. California produced in 1886, 2,000,000 pounds, and in 1892, 25,000,000 pounds, the consumption steadily increasing as the good quality of the California product becomes known, at the same time lessening the price of the consumer.

Why the Encouragement Should Contiuue.

There was imported into the United States in 1892, 23,250,809 pounds of raisins, and California in the same year sent to the Eastern markets 53,336,960 pounds. This fruit is still classed among the luxuries, used only by the more wealthy, but under the stimulus of home production is advancing to common use and becoming a necessity in the household. But not one-tenth of the amount is consumed that will be under the full development of American production. Let the encouragement of American production continue, and all the various sections of our country, the Atlantic coast, the great Valley of the Mississippi, the mining region of the Rocky Mountains, and the high plateaus will all be supplied abundantly with a better article and at cheaper rates than have ever before been known. American production of raisins, as of other delicate fruits, means prosperity to large American communities and adding an increased ratio to the aggregate American wealth, in this, that it saves to the people for circulation and mutual assistance what would otherwise go abroad not to return in any form, and that it gives to capital investments for its money, to bankers activity in their exchanges, employment to labor, freight for transportation, markets for manufactures and farm products, building up cities, communities, and States.

Bold and enterprising men have engaged in these productions, investing large sums of money and the toil of years until now tens of thousands of people and millions of dollars are represented. A vast amount of wealth has been added to the country,

and comfort and luxuries given the people. To establish this and to advance it protection was necessary, and no free trader nor pessimist can show that it has worked any hardship in America. In fact, in this case, protection has proven an unexceptional blessing. The duty upon the importation of raisins and other semitropical fruits should be retained as established in the tariff of 1890. This also affords the opportunity to increase the revenue where the foreigner will pay for the privilege of competing in the market. The high prices we have paid for these delicacies have enriched the landowners of the Mediterranean countries at the cost of ours stores of the precious metals.

The Specialties of California.

These may be called some of the specialties of California and the list be greatly enlarged. Of these specialties, citrus fruits, figs, raisins, and nuts, we imported in 1891 to the value of $15,062,208, and in 1892 to the value of $11,237,285. This was so much money sent abroad that could have aided in passing over the period of hard times if it had been retained at home in exchange for home products of the same class. The encouragement of the cultivation of these fruits opens another source of business for our people. This is in the preservation of fruits for exportation. This also implies the encouragement of sugar production.

Statistics show that Great Britain consumes annually per capita 70¼ pounds of sugar, while but 55 pounds are used in the United States. It is also known that the table consumption in the United States greatly exceeds per capita that in Great Britain. The excess in the latter country is used in the preservation of fruit and the making of the various commodities, as jams, jellies, and other articles of which fruit is the basis.

This indicates the enormous business now existing in England in this line, and what a great industry may be developed in our own country by the encouragement of the culture of fruit and sugar.

What California has Produced.

Of gold California has given $1,300,000,000 to the world, revolutionizing commerce and constituting the chief factor in creating the golden era in which we live. California now produces $12,250,000 of the precious metals annually, of which over $11,000,000 is gold, the entire gold product of the Union being $33,000,000. But large as is California's output of gold there are many other minerals of great importance to the country that are affected by the tariff. I will name a few of the industries affected.

The Borax Industry.

Of these one is borax. The history of this mineral, its ancient rarity and value, the discovery of it in California and Nevada in peculiar forms, the heroic development of its production, the cheapening of its price, and the beneficence it has proven to the world constitute one of the most interesting chapters in mineralogy. The mineralogists of California, incited by the discoveries of gold in great abundance, turned their attention to other useful minerals, the search for borax being one, and from traces observed in the analysis of water followed the clue until the object sought was found.

At the date of this discovery the common price of borax was 50 cents a pound, and its uses were limited. Tuscany, in Italy,

was then the chief source of supply. Following this discovery borax was found in different forms in the deserts of Nevada and Eastern California. Following these, borax, in similar formations, was found in Asiatic Turkey and in other countries. But the Americans had led the way. In the search and exploitation of the borax fields our miners of the West have penetrated the most inhospitable deserts of the world, and through years of toil, hardships, and danger have shown an enterprise and courage worthy of the highest reward.

Paid the Government for the Land.

They have not made the desert to blossom as the rose, but they have redeemed its character to such an extent that they have paid the Government many thousands of dollars for the land, extracted from it many millions of dollars of value, cheapened a product to domestic, artisan, and scientific uses, made possible and developed new and important industries. In this they have made the barren deserts great and valuable factors in the progress, comfort, and commercial affairs of the world. Of these desert fields where borax is found the most famous is the historic Death Valley in Eastern California, a valley deep below the level of the sea although surrounded by the high plateau of the Great Basin and within view of the highest land in the United States.

The region belongs to and is characteristic of the eastern base of the Sierra Nevada mountains, a region of unique formation, abounding in useful minerals usually denominated salts, as well as silver, lead, and other metals. It is a region of excessive heat in summer, and in winter is reached only through the deep snows of surrounding mountains. Of the horrors of this inhospitable region it is unnecessary to tell, but brave men have penetrated it hundreds of miles from railroads, have developed stores of wealth, have established outposts of civilization, opening markets for agricultural and manufactured products, and, if these mining industries are not destroyed by un-American and hostile legislation there will be opened lines of railroad through the country, and another desert region will be eliminated from the map.

The Bill Destroys the Industry.

Destroy this industry, as the Wilson bill proposes, and these bright hopes of the future are obliterated, the business of invested capital bankrupted, thousands of men deprived of labor, country revenues cut off, and the people of the United States made to pay the foreign manufacturer and importer an exorbitant increase over the present price for an article now in common use. That this prediction of increased price has a basis we have but to look to the past. The English obtained control of the Turkish borax mines. While England never rejects ripened fruit ready to fall into her lap, she does not always wait for it to fall, but shakes the tree, and then if it will not fall reaches for it and pulls it down. So England got the concession of the Turkish and other borax mines, and having free entrance to the American market, proceeded to undersell and close out the American borax miner. When this was so nearly accomplished that English manufacturers had control of the market the price was put up to 15 cents per pound. Then came the tariff of 1882, and the year following the price fell to 10 cents per pound, the

fall in price being the full amount of the duty, and the American business revived. This is an example of the benefit of a protective tariff to our people and the producer.

Gen. Rosecrans, a distinguished and learned gentleman and a Democrat, in presenting this question to Congress in 1883, recommended duties on pure boracic acid, 10 cents per pound; on commercial boracic acid, 8 cents per pound, and on other forms of borax, 5 cents per pound. The bill now under consideration places borax on the free list, and to this treatment of a great industry I earnestly and decidedly object and protest. The world's production of borax is about 24,000 tons annually, the United States producing 7,000 tons; Italy, 3,000 tons; Turkey, 9,000 tons; Thibet, 2,000 tons; Chile, Bolivia, and Peru, 3,000 tons.

This product has increased from a few thousand tons since the discovery in California and Nevada until the present time, when about 9,000 tons of borax is used annually in the United States. The uses to which it is put are various. One of the oldest was by the blacksmith in welding iron, and as a medicine and emollient sold by the druggists, but since it is so largely produced its uses have multiplied a hundredfold.

We Should Protect American Borax.

Now it is important in calico printing and dyeing, in painting, blacking, washing, enameling of porcelain, glazing in potteries, flux in smelting, an antiseptic and preserver of flesh, a substitute for soap, a disinfectant, and many other purposes, entering the ordinary household as a necessity. The working of the desert borax fields involves the labor of several hundred hardy men, with great teams of twelve to twenty animals each, maintaining stations, supplying refining works, giving transportation to railroads and consuming a large amount of the products of the farm, manufactories, and mechanical shops of the country. The enemies of protected industries lay much stress upon opening markets in foreign countries for American products. I would ask if by purchasing the Turkish, Thibetan, and Bolivian borax the miners of those countries would consume as much of American products, patronize American blacksmiths, American wagonmakers, or American railroads as do the American borax miners.

The other Minerals of the State.

Among other minerals found abundant in California are chromium, antimony, quicksilver, manganese, sulphur, salt, niter, soda, potash, gypsum, onyx, alabaster, lime, marble, and others, and all varieties of these which enter largely in the arts, manufactures and domestic uses, and are commodities of great commercial importance. All these are proper subjects for tariff for revenue, and such tariff would afford incidental protection and therefore assist in the development of American resources and American industries. Chromium, chromic iron, or, as commonly called, chrome, is used in making coloring matter for silks, cotton, woolens, wall paper, carpets, tanning leather, and other purposes, and its uses are increasing. This mineral exists in all the mountain ranges of the Pacific coast from Puget Sound to the Mexican line, and was formerly mined with fair profit, some 4,000 or 5,000 tons being shipped annually to the Atlantic coast, but since the removal of import duties the business has

nearly ceased. A duty of 25 per cent would both aid the revenue and revive the industry on the Pacific coast. Now chrome is imported from Australia, Scotland, and Turkey in exchange for gold. Develop this resource and stop another leak for our gold.

Antimony is used largely in a great variety of manufactures, and of this mineral we have sufficient for all our needs. All that can be said regarding chromium is applicable to antimony. With a duty upon its importation, attention would be given to the abundant stores of it in our own country, and soon the metal would be cheapened.

Quicksilver.

Of quicksilver California has already produced $60,000,000, and large capital is invested in its mining and reduction. While there is still an abundance in the many mines of California the exceedingly rich deposits have been exhausted, and the industry may be entirely destroyed if the product of the foreign mines is permitted to enter into competition free of duty. All the foreign mines of quicksilver are or have been owned or controlled by the Rothschilds, and it would not be wise American policy to transfer so important a mining industry to that wealthy and monopolizing house. The foreign producers will sell their quicksilver for gold or for bonds, payable, principal and interest, in gold, and for nothing else.

Of the extent of the quicksilver deposits in California, or of the capital invested in mines and reduction works, there is no question nor speculation; nevertheless all this property and this vast resource and plant for home labor, home production, and home consumption of farm products and domestic manufactures may be destroyed by the unfettered competition of foreign capital based on foreign low rates of interest and cheap labor. Heretofore quicksilver has had a protection of 10 cents per pound duty, but now it is proposed to admit it free. Such a policy can not be defended. No one can show a manufacture hampered or an industry of any class burdened by the high price of quicksilver under the present conditions, nor can any one promise that quicksilver will be cheaper when the American mines are closed by foreign competition. There would be no industries or manufactures retarded were the price of this mineral double what it now is. The gold and silver mines of the West have been the chief consumers of this valuable useful liquid metal, but an unfortunate policy has so borne upon these that quicksilver mining has received an almost fatal blow.

Congress Should not Finish it.

I hope that Congress will not give it the finishing stroke. This is an industry of but a single and distant State, for quicksilver is found in no other part of our country, excepting California, in sufficient quantities to pay for working. The Senators from New York or Alabama may not now realize that its life or death affects them. A manufacturer of New York may, temporarily, obtain quicksilver at a slightly reduced rate, but no consumer will ever see the reduction. The gain to the importer is infinitesimal at best, but the loss to California is serious. California is but a unit of the Republic, but of units the whole is made. The prosperity of the whole is in consequence of the prosperity of singles, and the infliction of injury upon one

has a widespread and baleful influence upon all. Quicksilver is peculiar in many things, and particularly for the fact that it is produced in only four parts of the world. Its sources of production are Spain, Austria, Italy, and California.

The History of the Metal.

The Almedan mine in Spain was discovered over two thousand years ago; the Idria in Austria, four hundred years ago, while the mines in Italy were discovered over a hundred years ago. The latter, however, play no very important part in the industry, as they produce but a small quantity comparatively. The cinnabar or sulphide of mercury, from which quicksilver is produced, was discovered in California in 1850. The discovery of gold there only a short time previous hastened the development of the industry. The price of quicksilver then was $1.50 per pound. To-day it is less than one-third of that amount. Had it not been for the quicksilver industry in California there would have been no competition in prices and hardly any conjecture can be made as to what the ruling price would be, for, as I have stated, the quicksilver of the world outside of that of California is controlled by one corporation or firm. In 1878 there were thirty quicksilver mines in the State of California, while to-day there are not ten—prices have steadily declined; the mines could not be worked to any degree of profit. The United States is one of the largest consumers of the metal.

The production of quicksilver is already hampered with many difficulties, but this proposed action to place it on the free list consummates them all. The cost of production is nearly three times as large as that of the mines of Spain and Austria, for the reason that there is a better grade and a higher paid class of labor necessary. The price obtained to-day is barely sufficient to keep the mines running, and striking off the protection of 10 cents per pound simply gives the foreign producer the absolute market and the control of the price. It benefits the great financial house of the Rothschilds, but it throws out of employment and leaves idle our American workmen. It is a strange policy for us to adopt, to close down our own mines to oblige those who control the only other three sources of production, and they in Europe. It seems to me that it can not be defended and that it is as uncalled for as it is unjust.

Duty Does Not Injure the Consumer.

The American consumer of quicksilver has not been injured and will not be by the existing law. The protective tariff has helped to keep the quicksilver mines of California running, and they, and they alone, have reduced and kept down the price to the consumer. A gentleman who is connected with the quicksilver production in California says of the case as follows:

> The amount produced in this country is equal to its need at present. But little has been imported for a long series of years since the imposition of the duty, and during this past year none at all.
>
> I beg to call your attention to the fact that were the mines of California to be closed down, as they must inevitably be unless some protection is afforded, that the whole power of making the price would lie with the Spanish and Austrian Governments, as represented by their agents, the Rothschilds, and we should be at their mercy. When this duty has been so slow as to cause a shut-down of the American mines, this has been the case heretofore. We are now protected by a duty of 10 cents per pound. This is little enough, and we ask in consideration of the capital involved, and the labor of 5,000 men employed at good wages, that it be kept at the present rate.

The Sugar Industry.

Let us for a moment consider the question of sugar; its importation; costs to our people; as a means of revenue, and the effects of its production at home. Let us look upon it from the Democratic standpoint of free trade and from the Republican standpoint of an assisted industry either by protection or bounty. The McKinley bill removed the tariff duty from raw sugar, but to foster its production as a domestic industry enacted that a bounty equivalent to the former protection be paid for a limited period to the home manufacturer. The bill as it came to the Senate takes no notice of sugar as a means of revenue, nor offered protection or assistance. Originally it proposed a sliding scale of bounty, but that was stricken out. Common justice demands that a contract made by the Government with her citizens should be observed in perfect good faith, therefore the policy of the bounty should prevail until such time as that named in the act or the American sugar industry fully commands the market.

The American people now pay annually to foreign countries an excess of $100,000,000 for sugar produced by servile and coolie labor or in countries where the production is assisted by government. The consumption in the United States is about 2,000,000 tons per annum, nearly all imported, on which was formerly paid between $50,000,000 and $60,000,000 revenue to the Government in addition to the amount paid the foreign producer, the shipper, the importer, and the trusts, who held the consumer at their mercy, a total cost of unrefined sugar to the people of over $230,000,000, taking the average rate of sales at commercial centers.

For the product of sugar in the last year in this country there was paid on the bounty fund over $9,000,000, the exact figures being $9,375,130.88. The Senator from Indiana [Mr. TURPIE] yesterday in discussing this question stated that $15,000,000 had been paid. I find, however, that his figures are not in accord with those of the Secretary of the Treasury, as he reports but $9,000,000. The question before us is, which is of more benefit to the people, the fostering of this industry or its destruction?

A Simple and Feasible Way of Raising Revenue.

There can be no question that sugar by importation affords a most simple and feasible means of raising a large revenue. So do tea and coffee. So a great revenue could have been obtained from the sale of the public lands, the ownership of the salt and other mines, as do some countries, and as was formerly advocated in this. But with the progress of enlightenment, better democracy and greater liberality has obtained. Our mines are owned and worked by the people and their prosperity has resulted; our public lands have become the homes of independent farmers and populous and prosperous States have grown up. The tax upon tea and coffee was removed to lighten the burdens of the poor classes, and all rejoiced in the beneficent act.

Then came another step forward in the same direction and the tax was taken from sugar and all those classes of people who feel the burdens of the purchases of the comforts and necessaries of life felt the relief and were made glad. In all these times and with all the apparent sacrifices of the Government, all wrung from it with terrible opposition, the revenues were maintained,

the country prospered in accelerated ratio, and the people were benefited. Here we might contrast the simple or barbarous methods of levying duties with the discriminating or enlightened. Tea and coffee, the luxuries of the industrial classes, competed with nothing produced at home and were beneficently exempted from taxation.

Why the Bounty is Imposed.

Sugar, entering into a vast number of comestibles and commodities, and as much of a necessity to the poorer classes as tea and coffee, is an importation in competition with a domestic product in a small way, but may be entirely produced at home. To cheapen it to all classes, to aid in the preservation of our fruits, and to assist manufactures, the tax was removed. But one of our great States was largely devoted to its production and to leave it to the unbridled competition of the foreign product of cheap labor would have been a cruelty, a neglect most abhorrent to a fair and generous people, a shame to the Union of States. To leave it thus meant a destruction of its great industry, its relegation to bankruptcy. The Republican party has no such heart; the business welfare of our common country does not require it. A bounty was substituted for the duty which had been the protection.

But I need not defend Louisiana. She has able statesmen to take care of her interests. The interest is growing up in California to which I will soon refer. The payment of the bounty has become a question of controversy and opposition throughout the United States and by people of all parties and classes. The bounty on sugar is not the only one that has been granted by the Government nor denounced by the people. Have these resulted beneficially? Before the Republican party came into existence bounties were paid for public improvements. The great national pike of the time of Jackson was a national work for the benefit of a limited section of the States through which it passed, and no one ever begrudged the bounty by which it was constructed. The granting of public lands to aid in the construction of the Illinois Central Railroad, and the Michigan and Illinois Canal were bounties given by Democratic statesmen. All improvements to rivers and harbors are but bounties to localities, perhaps large or small, aggregating for the general good and national glory.

The Policy of the Bounty.

But they are made where localities were unable to protect themselves or make the improvements necessary for progress. The Western pioneers demanded that bounties in land and money be given for the construction of railroads threading the wilderness and reaching the Pacific. They were granted, and if in some respects without wise restrictions, certainly for the general good, and resulting in the creation of great States and developing untold wealth where otherwise were desert wastes traversable only by severest toil, dire suffering, and constant warfare, occupied by wild animals and savage tribes. Will anyone at this day controvert the beneficence of the bounties which have resulted so grandly in the cause of civilization and our country's development? I am reminded by seeing my friend from Maine [Mr. FRYE] that when he and I were boys the Government paid a bounty to those who engaged in cod fishing and

went out and remained so many weeks or months fishing. That was done, too, under a Democratic administration.

Mr. FRYE. The Senator from California might go one word further and say that the fishermen who received the bounty afterwards paid it all back by helping us to beat Great Britain in 1812.

Mr. PERKINS. It therefore proved a most excellent investment. It was seed cast upon the water that returned ten, aye a hundred fold, to benefit the people as a whole who had given this small bounty.

The Sugar Industry in California.

But more particularly will I refer to the development of the sugar industry in my own State. Under tariff protection and with the McKinley bounty, mills for the manufacture of sugar from beets have been established with the prospect of eminent success. There are now three beet-sugar mills of large capacity in California. There is soil and room for a hundred more. It would require a thousand such as the largest in existence to supply the present consumption in the United States, and with the increased consumption the increased population, wealth, and varied uses will give, not many years will pass before double the number will be required.

The consumption in 1860 was at the rate of 56 pounds per capita. In England the consumption was at the rate of 67 pounds per capita; in other countries less. As it becomes cheaper, as our people advance in prosperity and as our fruit interests develop the consumption will increase in a greater ratio. The product of the world exceeds 5,000,000 tons per annum. About 60 per cent of the whole is made from beets. This sugar is, chemically, the same as cane sugar, and no one from its appearance or use can distinguish a difference. The product of sugar from beets per acre in America is estimated at from 1½ to 2 tons, demanding 2,000,000 acres of favored land to supply the present home demand.

The Benefits of the Sugar Mill.

The farmer and the community surrounding the sugar mill, the men who perform the labor, those who furnish the supplies to the mill, and those who supply the operatives, the transportation people, and all far-reaching are benefited. A mill disburses from $150,000 to $500,000 annually in the community where it is located. This builds up many happy and comfortable homes. Every mill means a prosperous village with its families, churches, schools, shops, manufactures, and well-paid labor with money that would otherwise go to some foreign country, leaving the land unoccupied or engaged in the production of something of which we have already an oversupply. The mill, representing a half million investment, is but a small part of the value it has created in its surroundings. Multiply this by a thousand, the number of mills and communities necessary to supply the United States, and we have an inconceivable valuation as the result of the judicious encouragement of this industry.

In the discussion of this bill some opponents of protection have asserted that our country profits most when its imports exceed the value of its exports. I would ask if anyone can contend that if we send abroad $100,000,000 for sugar we profit more than if

the same were disbursed in Louisiana, California, Texas, Utah, Nebraska, and other States where sugar is or may be manufactured? To say that it would be more profitable is a palpable absurdity. One throws away, the other retains. To buy when we can produce is waste and ultimate exhaustion. A little bounty insures this production, a bounty which at present and for some years is but a few cents per capita of the people of the United States, wherein a duty as before the McKinley bill was enacted would be 88 cents per capita. But the 88 cents paid by each man, woman, and child is not all the exactions upon the people from a commodity like sugar imported. Trusts and combinations of monopoly are now formed which would be impossible if the people throughout the United States were engaged in the manufacture.

The Importance of the Bounty.

By free importation and the bounty repealed the sugar industry is destroyed. To destroy an industry that now bids so fair would be a national calamity, a crime against our people, a degradation of statesmanship.

I appeal to the Senate not to let this be done. This important industry has been built up in other countries by the wise statesmen in granting aid. The great Napoleon saw the necessity of the home production of sugar when the harbors of France were blockaded by English fleets and his merchantmen harassed by English cruisers, and he it was who inaugurated the production of beet sugar. Perhaps our strength will forbid a blockade, but with a war against a strong foreign power we would feel much more at ease if we made our own sugar. European travelers observe our neglect of the beet-sugar opportunity with astonishment. Prof. Anton Veith, director of the Agricultural College of Bohemia, publishing his observations of a tour in the United States some years ago, says:

> The establishing of such an industry as the fabrication of sugar from beets exerts such a great influence upon a country that it deserves all the support of a great government.

During the past summer the German Government sent a number of experts to this country with the special object of examining American agriculture, and particularly the beet-sugar industry. Prof. Alexander Herzfeldt, one of these commissioners, said:

> If the United States shall continue to protect the sugar industry so that the development that now seems assured by protection may not be disturbed, the American market will be lost to Germany and France.—*New York Tribune.*

This bill proposes with no former notification whatever, to absolutely repeal the bounty clause of existing law. The law of 1890, the McKinley act, promised and agreed that "On and after July 1, 1891, and until July 1, 1905" there should be paid to our domestic producers of sugar from 1¼ to 2 cents per pound, depending on its quality.

A Clear Case of Repudiation.

I do not like the idea of repudiation in any form, and I can never consent by my vote, and without my protest, that this Government shall ever be a party to it. It is a repudiation of the contract pure and simple to pass this bill as it stands. Sugar sells to-day so cheap that no one can afford to adulterate it, for

the adulteration will cost more than pure sugar. Consumers pay for it from 5 to 5½ cents, which is 2½ cents per pound cheaper than the price which prevailed before the bounty law was passed. It is clear to me that the repeal of this bounty, unless something is given in return, will not only kill our home industry, but will hand over the market to foreign sugar rivals.

Danger to the Beet Sugar Manufacturers.

The beet sugar manufacturers are held to-day for contracts made with farmers of beets, extending over this and next year, and this repeal will force them into bankruptcy by the heavy losses on their contracts. The McKinley act, especially that portion relating to the sugar bounty, was no ordinary tariff bill, subject to change from year to year, but an absolute, declared contract for a certain number of years, for fourteen years. Citizens of California had confidence in the promise, the contract of the Government, and invested millions in the beet industry and the establishment of mills to manufacture the sugar. It is as clear as the noonday sun that there is an inevitable loss if this bounty is repealed and nothing of an equivalent offered in its place.

Useful Minerals of California.

Of sulphur and salt, Alameda County, my home, alone producing over 45,000 tons of salt per year, and ferro-manganese and many other minerals and their manufactures either on or to be put on the free list these arguments would be repeated. All these useful minerals abound in and make up the wealth of California and the great plateau of the West—a region of unbounded mineral resources, a region in the heart of our country supplying that which is demanded in the commerce and manufactures of all countries from the lowest barbarism to the highest civilization, which gives wealth to the producer, employment through countless industries, strength to the Government, and in turn affords a market to manufactures and products of every grade.

Not Entirely a Local Question.

By a strange fatality of most unfortunate experimental financiering, of which our country was not the originator nor wholly responsible, this great and important region has been made to suffer the loss of one of its principal resources, and now it may ask that other resources may be protected, that all may not be destroyed. While frequently referring to the products of my own State as subjects worthy of protection and feasible for purposes of revenue, I do not propose to make of the tariff an entirely local question; though good Democratic authority has asserted and maintained it was and is. But the products of California are so varied and so important to the commerce, the manufactures, and the comfort of the other States of the Union that all are worthy of special mention and the care of the Government.

That the claim that by a skillful levying of duties the foreign producer or manufacturer is made to pay a part of our revenue is not a fantasy, a dream, or a delusion, it is but necessary to refer to the case presented by the Bermuda farmers, now become so well known in the Ways and Means investigation. Another brought to my attention, of a manufacturer in New York of dye-

stuffs, of which he exported large quantities to Germany. That country, seeing another opportunity for revenue and protection, imposed a specific duty upon the goods. Every particle of this duty was, and is to this day, paid by the New York manufacturer, as he could not add it to the price of his dyestuffs in the German market. This fact, however, is so evident in the business affairs of our own country that it is unnecessary to argue it to reasoning and observing people. Duties laid thus skillfully have that effect, affording the easiest paid revenue and at the same time protecting home industries, and such is the McKinley tariff bill, which ought, perhaps with some modifications, to remain the law of our land for a long time to come.

The Wool Industry.

The production and manufacture of wool is one of the great industries of California as well as of the United States; California having produced more wool in 1893—26,808,414 pounds—than any other State in the United States, and being the third State in the matter of the number of sheep, having in 1893, 4,124,376 sheep, Ohio being the first with 4,378,725, and Texas second with 4,334,551 sheep. In fact, it is one of the great industries of the world and has through a long series of years in all the enlightened governments by the world been a subject of the most profound consideration of kings, statesmen, and the people. Spain protected its merino sheep by inhibiting their exportation under severe penalties. Australia encourages sheep-raising by grants of vast ranges at nominal rates, as do the South American States and other countries.

The policy of all has been that of protection and encouragement. Only in America has there arisen the strange and factional opposition to the industry. This fierce, unrelenting, and unreasoning opposition is one of the relics of the sectional disputes and interests of a past generation. Cotton against wool; the export of one and the free importation of the manufacture of the other, permeates with baleful influence the politics of the present day. Complaint is made that the farmer is called upon to bear the burdens of taxation with less assistance from Government than any other vocation. This complaint should be heard and the grounds for it removed as far as possible.

Agriculture, the Basis of all Industries.

Agriculture has been honored through all history, and is the basis of all industries. From the farm comes the sustenance of all, and from the fields come the stalwart sons for the country's defense and for its development. America, with its broad area and fertile soil, depends more than any other country upon its farmers, and every fostering care within the power of government should be extended in their behalf. Theirs is a life of toil, where monopolies are impossible and guilds are of no avail. Their burden of taxation is unavoidable, but theories threaten them with more, to the extinction of their independence. Truly has the poet said:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish or may fade—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Let our theory be to lighten the burdens where possible and to assist where the opportunity offers. In almost every turn of our legislation the opportunity offers. Let us improve it.

The Record of the Republican Party.

The record of the Republican party may be proudly cited in its legislation for the farmer; in its investigations and publications for the farmer's benefit; in the homestead and liberal land laws; in the establishing of a Department of Agriculture and of experimental stations; in its grants to agricultural colleges and universities; in its aid to lines of transportation; in its systems of internal improvements, and countless other ways.

Let us for a moment consider how we may farther extend that aid. Take the single industry of woolgrowing. The aggregate is made of singles. A tariff on wool is both protective and revenue. In 1892 the value of raw wool imported was $17,697,067.50, on which a revenue was collected of $7,799,085.63, under a tariff of 11, 12, and 15 cents per pound. By the present bill this revenue, so urgently required at the present time, of eight millions of dollars is thrown away or put on the onerous burden of internal revenue, income tax or issue of interest-bearing bonds, and the incidental protection that was given is obliterated.

The Statistics of the Wool Industry.

The Agricultural Report of 1893 shows there are 47,273,553 sheep in the United States, in 47 States and Territories. Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and South Carolina are the only States having each less than 100,000. Ohio, Texas, and California hold the largest number, each having over 4,000,000. Texas and California are of very large area, so their proportion of sheep to acreage is far below many of the other States and Territories. The production of wool in the United States in 1892 was 294,000,000 pounds, and the amount imported in the year ending June 30, 1893, was 172,435,838 pounds. The production and the importation have increased steadily for a series of years.

The wool production of the world is estimated at 2,456,773,600 pounds annually. The largest producers are Australia, Argentina, United States, and Russia, in the order mentioned. We are thus shown the countries with which we must compete. They are countries of vast areas of cheap grazing lands, against which the farmers of the United States should not be called upon to compete on equal terms, particularly when we require the revenue the incidental protection gives.

But we are told that the tariff imposes a grievous burden on the farmer in his purchases of clothing, and that the tariff has made it possible to force upon the people cloth of a poor quality. While this is known by all intelligent people to be untrue and is easily contradicted, we may take some evidence given before the Ways and Means Committee. Mr. Latzko, the Australian commissioner to the World's Fair, testified that—

> The American woolen goods had no superior in any part of the world; there is nothing manufactured from wool that can not be as well made in this country as anywhere else.
>
> The difference between free raw material in London and protected raw material under the McKinley law for a fine dress suit is just 90 cents.
>
> The difference in the cost of material for a workingman's suit in this country and Great Britain is just 75 cents. All the other difference in the cost of the suit is the difference in the wages paid to laborers.

The wool industry of this country ranks seventh largest of the agricultural interests, and amounts to $55,000,000 annually. But take the tariff from wool, let that great interest die out, and the cloth for the workingman's suit may cost 75 cents less and the country will have to send $66,000,000 in gold or its equivalent abroad to pay for the wool. You will say this industry will not entirely die out. Probably not. Sheep for mutton will be grown, and then, as the wool will be of little value a high price will necessarily be charged for mutton, which will raise it to the class of luxuries, and the poor man who attempts to eat mutton will find his annual expenditures therefor a hundred times greater under free wool than under protected wool.

High Priced Mutton a Result.

This I know will be the result in my State, where good mutton is the meat of those exercising economy. We know how anxious are Argentina and Australia that we should admit their wool and pelts free of duty. Then they assert they will drive the American producer from the market in all the products except the fresh meat, and this will come later under the cold-storage system. This plainly shows what we must avoid. To be forewarned is to be forearmed.

We are here to legislate for American good and not for the good of a foreign country, however friendly we may feel for that country. The questions arising in adjusting the tariff are national and for the nation are purely selfish. I can not close this branch of the subject without referring to the petitions which I have received and presented in this body. This special one claims to be signed by over 10,000 woolgrowers of California:

To the honorable members of the Fifty-third Congress of the United States:

Whereas, as a result of a general belief that the tariff on woolen goods will be reduced and wool put on the free list, the price of wool is now below the production; and

Whereas we believe that if wool is put on the free list, and the tariff on woolen goods materially reduced, the price of wool will be still lower; and

Whereas we can not afford to raise wool in competition with free wool raised in countries like Australia, where the woolgrower rents land from the Government at a less rental than we pay in taxes on our land, and receives Government aid and encouragement; and

Whereas the lands of these United States are well suited to the raising of sheep, provided we can get a fair price for our wool and mutton; and

Whereas we believe that it is to the best interests of this country to prevent the slaughter of a large proportion of the sheep of this country, which will be the certain result of a further reduction in the price of wool:

We, the undersigned, farmers and woolgrowers, irrespective of party, do hereby petition and beg that your honorable body will make no change in the present tariff affecting the wool and woolen schedule now in force.

The Problems of the Day.

We are indeed confronted with the strange problem of an overcrowded people—a problem which the fathers of the Republic never dreamed would come so soon. To this may be added the marvelous devices of invention in the direction of labor-saving machinery. Men were never so cheap nor muscle so superfluous in the work of the world as now. The star of empire has moved westward until the tide of population has met the confines of the Pacific. We find unemployed men everywhere. Everywhere enforced idleness and suffering. It was not so in the early history of the Republic. It was not so before the attempt to depreciate the intrinsic value of one-half of our circulating medium. And, indeed, it was not so before the threatened blight of free trade fell upon the country.

Government by the people is only enduring where the best interests of the people are promoted. There can be no class distinctions or favoritisms in the collection or disbursing of revenue, and no system for raising revenue has ever equaled in unobjectionable simplicity that of our present tariff. Its greatest virtue consists in the fact that it is American. When we seek to foster other nations at the expense of our own, or so manage our own affairs as best to favor the industrial interests of other countries looking to a market among us, we are feeding a dry rot that means the ultimate decay of our institutions. It is not pleasant to take this view of the case, but it is the true view nevertheless. We have not yet reached that halcyon time when the consideration of a common humanity is the basis principle of the upbuilding of nations. The millenium is a long way off yet. Our idle mines and factories, our multitudes of hungry and unemployed operatives, our depreciated currency, all voice this fact as never before in the history of this country.

The General Depression of Trade.

The present Administration assumed the control of the country the 4th of March, 1893. During the seven months following, as shown by Bradstreet, the falling off in the business of the clearing-house amounted to the vast sum of nearly $5,000,000,000, and it has kept up at that fearful rate ever since. This stupendous deficit represents the country's value of trade. Twelve billions of dollars less money circulated in the ordinary channels of trade and commerce, in wages, in the manufacture of goods, in the employment of labor. And all this under the proposed free-trade policy, or, as they like to be called, tariff reformers, of the present Administration, in the brief period of twelve months. Indeed, the nation stands appalled before the peril that threatens. Cities swarming with the unemployed, mines and factories closed, an army of unemployed marching from the west and north toward Washington—no such general depression of the ordinary industries of the country finds a parallel in our history.

The Policy of England, Not American.

Carry out the policy of England concerning this country; make it contributory to her greatness regardless of the effect upon our people and industries, and what becomes of the magic attraction of our flag, what will there be left to inspire patriotism, or make this land the hope of the oppressed? Divest this country of its policy of protection and there will be nothing in its citizenship to call forth the admiration of mankind. Its labor must degenerate to a level with that of the Old World's, with which it will be brought in immediate competition. We shall have squandered our birthright to placate other nations by placing our standards of labor on a level with their own. We should blush for the American party (and all parties in this great country ought to be American) that has no higher conception of the nation's needs. This ought to be the richest country in the world; taxes should be the lowest. Labor on a higher standard and better paid, its products bring the greatest satisfaction. All of which it would be and do but for the Anglomania that has turned the heads of a large portion of our people, especially of one of our great political parties.

Let American Patriotism Animate Us.

Every avenue to wealth and fame is open to the humblest boy in this land. Yonder little schoolhouse on the hill is the stepping stone to the highest niche in the temple of fame in this land. It is true American manhood that makes the man in this glorious land. I have traveled all over the world; I have been in every land, on every continent of this great globe; I have been in the frozen north, in the tropics, in the frozen south where the Southern Cross is seen like the Great Bear of the north pole; I have been in the islands of the Pacific, in the islands of the Indian Ocean; but nowhere on God s universe have I ever seen a land like this. I have, as the patriarch of old, approached the temple to pay homage to the Unknown, as I saw the Star Spangled Banner floating over the consul's house in the north of Europe or in Southern Africa felt as Moses did when he stood near the burning bush, that I stood upon sacred ground, and I involuntarily removed my hat from my head and thanked God that I was an American. Let our votes and our actions be in harmony and accord with this true American spirit of patriotism that should animate our hearts.

An Era of Snobs and Snobbishness.

There is nothing genuine with some so-called Americans in their estimation that does not wear a foreign stamp. They furnish their homes with the products and works of foreign manufacture, they wear foreign-made clothing, eat foreign viands, drink foreign wine, and smoke foreign cigars. This is the class of people that I like to give the full benefit of a tariff intended to protect American industries. Any abridgment of our protective policy is a step in the direction of national decay, and so the intelligent thought of the people declare at the ballot box in the elections in Ohio, Massachusetts, Iowa, New Jersey, and Rhode Island. Year after year, much of the time of Congress is devoted to the assailing on the one hand and defending on the other this last vestige of American policy. But for the last quarter of a century the people have had no fears of the result, as they knew that the party that would be safely trusted in the matter held sway in one or the other branch of the National Legislature.

A Contrast of Histories.

Take the history of our Government from the first and the policy of England towards us has been strangely varied. When we were weak she was strong and at the same time aggressively protective. This was prior to the adoption of the "free-trade policy of 1846, forced upon the country in response to the demands of the South, because of the predominating influence of the North, the result of free labor" over that portion of the country where chattel slavery prevailed. England did not then feel assured that she could bear the competition of continental nations, and, as is well known to anyone familiar with our history, she manufactured for herself and for her network of colonies reaching around the globe. Into those colonies no other nation could carry anything. There was no scale of duty upon which other nations could enter the colonial ports. What the colonies needed outside of British product could be furnished to them only in British ships. This was, then, her idea of protection—the protection her great Premier Gladstone has declared to be

immoral. But it was not protection; it was prohibition, absolute and remorseless. And it was continued even to the day when Mr. Gladstone entered upon his long and splendid career in Parliament.

The Dignity of Labor.

The dignity of labor should ever be uppermost in the American mind, and the only way for us to dignify it is to bar out from competition the servile and cheap labor of those countries where a man's worth and social standing depend not upon his own merits, but upon some advantageous circumstance ceded to or stolen by some favorite ancestor. A protective tariff should be the last surrender of this Republic to kingcraft. It is the guerdon of our greatness, the bulwark of our manhood. Every attempt to fasten free trade upon this country has been followed by financial depression and disaster. This last attempt brings such hardship to our industrial interests as has never before blighted this fair land. If we are wise we ought to learn something in this school of experience. We should guard with jealous care this last feature that distinguishes us from the effete institutions of the Old World.

The American artisan and laborer have long held a distinguished place in this country. There is none above them; but how long will it be thus, without protection? Compare their surroundings with those of this class in other countries. Squalor and poverty on the one hand—plenty and often luxury on the other. So long as labor is not crowned king, as it is metaphorically with us, in countries depending on us for a market, we can never allow our laboring men the humiliation of competition.

Cheap Wares Not All that is Needed.

We have by legislation wisely, in my opinion, excluded immigration of the pauper and contract laborer from Europe, and the servile Chinese laborer from Asia, but by the proposed legislation we are to permit the product of the Chinese factories in China, where labor is but 10 cents a day, to come into our country and sell in competition with the products of American workshops that are operated by American workmen. To do this is to shock the sensibilities of every patriotic citizen. Cheap wares are not the only things we need. The farmer needs a market for his product at good prices and he can have such a market only when the mechanic, the miner, the factory hands find ready employment at good wages. Rightly says the Inter-Ocean—

> The Republican tariff made the home of American workmen a home of plenty. He lived and enjoyed the luxuries of the rich in the older lands. The Democratic policy in its very promise, and before its reality could be experienced, has brought distrust and want and suffering. It is that and nothing else. The talk about silver producing the hard times was simply a Democratic blind.

Free trade is only desirable of those things we can not produce or manufacture, and even then the necessities of our revenue may require a moderate tariff which our people will never begrudge. We are contending for one of the basic principles of the Republic without which our bond of union becomes a rope of sand. To the hundreds of thousands unemployed men in the different States of the Union it is that already, with the mere shadow of "free trade" hanging over us.

Should be Revised by Friends of the System.

I am not arguing against the possible necessity for a revision of the tariff, but such a revision can never be intrusted to the Democratic party as now organized. The revision should be made, if at all, by those in sympathy with the protection of American labor and American industries, and then with a view to increasing and not diminishing the revenue. The measure of the necessity for a protective tariff may be wisely gauged by the number of unemployed men in the nation. By the status of manufacturing industries—by the demand for our agricultural products. These are the reasons of our needs for raising of the revenues necessary for the expenses of the Government. The amount required is about $500,000,000 annually. To raise the largest part of this vast sum by any other method than that of a tax on imports would be the sublimest piece of folly ever imposed upon a nation.

Several bills have been introduced looking to the creation of a non-partisan commission for the purpose of thoroughly revising the tariff duties based upon the difference in the cost of American and foreign labor, thereby promoting and encouraging our own domestic industries, and at the same time elevating and advancing the dignity of American labor. In the establishment of two of our greatest industries, namely, the manufacture of Bessemer steel and plate glass, it was accomplished only after repeated failures and the expenditure of vast sums of money, and then only by a most liberal encouragement on the part of the Government, without which success would have been impossible. In all American manufactures the higher wages of American mechanics is the chief factor in, as well as the pride and glory of our institutions. It is our glory that our artisans may live in competence, educate their families and surround themselves with comforts that belong only to the rich in the older countries.

How our Fathers Viewed the Question.

It may not be amiss in this connection to present some of the opinions of the fathers on this momentous subject. When the Colonies obtained their political independence they naturally wished to establish their industrial independence also. That great Scotchman, Alexander Hamilton, first struck the keynote of the second struggle when, as Secretary of the Treasury, December 5, 1791, he said:

> This idea of an extensive domestic marke t for the surplus product of the soil is of the first consequence. It is of all things that which most effectually conduces to a flourishing state of agriculture. To secure such a market there is no other expedient than to promote manufacturing establishments. It is the interest of a community, with a view to eventual and foreign economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a prominent reduction of it.

American statesmen have followed in similar strains. Thus Washington's last annual address, December 7, 1796, says:

> Congress have repeatedly and not without success, directed their attention to the encouragement of manufacturers. The object is of too much consequence not to secure a continuance of their efforts in every way which shall appear eligible.

President Madison, in his special message of May 23, 1809, says:

> It will be worthy at the same time, of their just and provident care, to

make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted as extended by the laudable exertion of our citizens.

Thomas Jefferson, in a letter to Benjamin Austin, of Boston, 1816, says:

To be independent for the comforts of life, we must fabricate them ourselves; we must place our manufacturers by the side of the agriculturists. Experience has taught me that manufactures are now as necessary to our independence as to our comfort.

President Monroe, in his first inaugural address, March 5, 1817, says:

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing as we do all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies on other countries. While we are thus dependent, these sudden events of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties.

President Jackson, August, 26, 1824, says:

Heaven has smiled upon and gave us liberty and independence. The same Providence has blessed us with the means of national dependence and national defense. If we omit or refuse to use the gifts which He has extended to us, we deserve not the continuance of His blessing. He has filled our mountains and plains with minerals and given us a climate and soil for the growing of hemp and wool. These being the great materials of our national defense, they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in a fair competition with those of Europe, and that we may have within our country a supply of these leading articles so essential to war.

The cause of that disparity of conditions having been removed, there is no longer any good reason why the people of the South should not favor protection, a condition of things most essential to her prosperity. Most serious disturbances of our business affairs come of any interference with the tariff. The man who has erected his mills and his factories under protection of his products, with the withdrawal of that protection, is most seriously disturbed, if not ruined.

The Act of the Administration.

It seems to be more a determination on the part of the Administration to carry out an idea, erroneous as we may believe it to be, than any demand of the people or any especial need or emergency of the times. If we think the voice of the people can be stifled on these great questions affecting the policy of the nation, we mistake the nature of this Government. It needs no prophet to predict that the people have had quite enough of this partisan tampering with the tariff. You will see what they will say in the next elections, when the question comes home to them as it will. And the political party that would retain or obtain a lease of power in the future would do well to heed this voice, the source of all power in this nation.

The condition of affairs in this country is vastly different from what it was a quarter of a century or more ago. The discontented and unsettled classes, of which the number is steadily increasing, have no longer new and virgin territory to occupy when they become dissatisfied with the older communities. The time has come when in the order of things we must have a fixed national policy upon all questions affecting the stability of the Government.

We can endure less foolishness than formerly. The people can stand less nonsense in the shape of unwise laws than when there was less suffering and idleness among them. These freaks

of legislation, if we may so call them, should be forced upon the country only in time of great prosperity. Our free trade "or tariff for a deficiency" friends seem to be oblivious to this fact.

Why we Oppose the Bill.

We oppose this bill because it works a serious diminution of our revenue on foreign imports, because the people do not want it, because it would cripple our industries, and because the present condition of the country is most unfavorable for any such innovation. We should beware at such times of any disturbing acts of legislation which tend to unsettle the quiet of the country. We should bear in mind that under the existing tariff which this bill proposes to disturb, there is an estimated deficiency made by the Secretary of the Treasury of $78,000,000 for the current year. And in the revenue bill proposed by this new schedule, it is proposed to discard $76,000,000 from the present tariff and impose a new form of internal and direct taxation upon our people to make up for this deficiency.

An Unwise and Reckless Proposition.

A proposition more unwise in these unsettled times could not well be devised; and strange it seems to me, that a party that one would naturally expect to see laying the foundation of future power—a party seeking to hold itself in sympathy and touch with the people—should in this reckless way throw away all chances to future promotion or ascendency. With the motto of Dante, written above the entrance to his inferno, "Abandon hope all ye who enter here," it may well be said of all those misguided statesmen who have entered into this conspiracy against protection, abandon all hope for preferment of the people ye unwise ones who seek to overthrow the main pillar of our institutions. If I did not prefer the prosperity of my country to that of party, I would withhold this warning cry and let them rush to certain disaster.

"A tariff for revenue only!" exclaim the champions of free trade. Exactly, say the people, but give us enough tariff for enough revenue, which means no reduction of the present rates, but on the other hand such advance upon many articles as may at least work an increase equal to the present deficiency. I want to emphasize the matter I have already referred to concerning an American policy in customs and finance. We have a territory as great as that of all Europe and a population which a few years hence will excel that of all English-speaking countries combined. And yet we have no policy of our own—no financial policy that is not made for us in the financial centers of the Old World. Our definition of money is vague, indefinite, and intensely English. With an immense territory and population we seem to be denied a distinctive policy of finance of our own. We must first ascertain what is wanted of us and then quietly and submissively yield up our own manhood to the keeping of others. This should never be submitted to by those who prefer the American Republic and her institutions as superior to those of any other lands.

The Fruit, Wine, and Nut Industries.

The proposed new tariff bill especially affects the great fruit, wine, and nut industries of California, and will ruin them if it becomes a law in the proposed form. These industries are

wonderful in view of the fact that it is in the memory of the man of middle age in this country when they were started. There is scarcely a city or town in the country where California fruits, nuts, and wine can not be purchased. While the trade is enormous there has not been as much profit in it as is generally understood. There are many reasons for this, but the principal one is the difficulty and expense in securing the market for the goods and cost of transportation to the consumer. The fruits, nuts, and wine have had to fight every foot for the position they now occupy in the markets of the United States, for the foreign productions only yielded because they were forced to, and for the additional reason that the fruits, nuts, and wines of California have not only undersold them, but because, also, they—the home productions—have been of better quality.

If it is pardonable at any time to introduce in a speech of this character statistics and tables showing the growth and quantity of California's productions in this line, this would be a case; but I forbear, for I am thoroughly convinced that it needs no such array to show that they are appreciated and are in demand. Later on, however, when this bill is under consideration by paragraphs, I may offer the Senate some statistics on the question. These great industries grew because they were given protection by our laws, and though they may not be classed as infant industries, they are still comparatively new, and will for some years yet need a fair and legitimate protection in their competion with the Old World. A severe blow has been given them by this bill, and unless it is amended an irreparable damage will be done.

The Importance and Necessity of Protection.

California sent out last year 2,500 carloads of 12 tons each of raisins, and this year will send out 3,700 carloads. Add to these the thousands of carloads of oranges, peaches, apricots, pears, figs, plums, prunes, etc., fresh, preserved, canned, and dried, and one can in a small degree realize the importance of the industry, and I hope realize the necessity of protection. California to-day has 12,000 acres of almonds, and is probably the only State in the Union interested as a grower. Her forests of walnut trees are also threatened by the reduction of the duty. Even worse than the reduction is the doing away with the specific duty and the change to the ad valorem, for there is hardly any calculating the injury the change will make. The duties levied by the present law are none too high, while those proposed by this bill if not changed will almost bring about an abandonment of the industry.

Wine Makers Specially Injured.

In regard to the wine industry, what can I add in opposition to the passage of this bill? It is a bill that is wrong in so many directions that it would take days to enumerate them. In no one, however, does it do more harm than it does to the wine-maker of California, or indeed to the wine-maker of other States, when it abolishes specific and establishes ad valorem duties. This feature was introduced at the very last moment, and without question through the efforts of importers of foreign wines, or possibly of the producers of European wines, more particularly of those of France. The bill reads that the duty on still

wines in casks shall remain as it has been, viz, 50 cents per gallon, but that it shall not exceed 100 per cent ad valorem.

This, on the face, appears to be a very large protection, but when you consider that the production of wines in Europe, especially this year, has been very great—thus in France fully 1,300,000,000 gallons against an average crop of barely half of this, and Italy a crop of possibly six to eight hundred million—you will well understand that the price of such wines in Europe will be very low, and I have no doubt that the cheaper grades will not average above 10 cents per gallon there. This means, according to the wording of the bill, a duty of 10 cents per gallon upon such wines, a figure considerably lower than was ever asked on the part of importers here. Besides this, there are many parts of France and Germany where wines are artificially manufactured—thus in Cette, France, and in Hamburg, Germany—and as the basis of such wines is potato or grain spirits, which pay no tax, as they are intended for wines for export, and which spirits cost possibly 6 to 8 cents per gallon, one can well imagine how cheap they can produce so-called wines, particularly as the balance that they add is in the form of chemicals.

An Era of Cheap and Fraudulent Wines.

It must be understood that it is difficult to appraise the value of wines, for they can not be judged as other manufactured articles are, for the reason that even the best judges differ as to the value of goods, and as many of the goods are shipped by the producers, the latter can put an arbitrary value upon their wine, as they may possibly figure only cost of production and interest upon their investment. This would result in the shipment of altogether or to a great extent low-priced wines.

In this connection I have received a letter from Mr. John T. Doyle, president of the viticultural commission of California, himself a prominent leading Democrat, in which, discussing this bill, he says, and as he states the case better and stronger than I can, I quote from it:

> The 50 cents per gallon is in no sense a protective duty. It was in force long before the McKinley bill was thought of, and I am not aware of any suggestion to change it in past years. The fact that the wine raised in this State does not average the producer 15 cents per gallon is conclusive evidence of the nonproductive character of the duty. Wine is ordinarily an article of luxury, and a most proper subject for a revenue duty. It is, also, an article so difficult to fix a true value on by any external test that any but a specific duty would be quite out of place. An ad valorem duty on wine is an absurdity. * * *
>
> But there is a stuff called wine, which is made for exportation in France and Italy in enormous quantities, which should not be admitted to importation here on any terms. It is often filthy and nauseous in its mode of manufacture, and is really unfit for human consumption. A duty of 50 cents excludes it, for under no circumstances could it sell for so much; but I doubt if 100 or even 200 per cent ad valorem would, for it can probably be invoiced at 5 cents per gallon, or even less. The best of it is made by taking pomace after it has yielded all its wine to the press, adding glucose and water, and allowing it to ferment again.
>
> The pomace gives the color and something of the flavor of wine, the glucose yields the necessary alcohol, which, if need be, is supplemented by German potato whisky, the most noxious of all the alcohols known to chemistry, and which is now finding its way all over the South of Europe as an ingredient of counterfeit wines and liquors. The pomace is thus used over and over again. The invasion of the French vineyards by the phyloxera led to the introduction of this counterfeit wine industry some years ago to supply the export trade of the country and it has since attained an enormous proportion.

* * * * * * *

We do not ask for any protection on wine, a duty that will give such revenue as is fairly collectible from such a luxury is all we need. But the public has a right to expect the Democratic party not to open the door, for the first time, to the importation of vicious and poisonous beverages under the pretense of freedom of trade. Free trade should at least be confined to honest commodities.

Other Industries Injuriously Affected.

There are besides those I have referred to many other interests of California affected injuriously by the various provisions of this bill. The reduction of duty upon lumber, rice, freestone, sandstone, onyx, lime, hops, beans, chicory, twine and cordage, burlaps, jute and bagging, and live stock will prostrate those industries as at present conducted. The struggling factories engaged in the manufacture of cotton, wool, rope, and jute can only continue by a corresponding reduction of wages to their employés. The placing of machinery for vessels on the free list will, I am afraid, result in closing several of the shipbuilding machine shops on the Pacific coast. They have been built up by the patient industry, pluck, and enterprise of our California mechanics. That they can do work to favorably compare with any country in the world, I have but to mention the United States ships Charleston, San Francisco, Oregon, Olympia, Monterey, and other steamships built by our mechanics of California.

But they can not continue to pay the same wages and compete with workmen on the Clyde who will manufacture and send machinery there at a nominal freight in ships that come to load wheat, and must have ballast on their outward trip to California. But I find that I have already occupied more of the time and attention of the Senate than I should at this time. I shall, however, claim the privilege when the bill is under discussion by schedules and paragraphs to offer amendments and to point out, discuss, and show to the Senate how the people of the State I have the honor in part to represent on this floor, will be injured if the bill becomes a law without very radical improvement.

We should maintain the integrity of the Republic in its dearest rights and usages, and should aim to uphold a higher order of manhood among our laboring classes than belongs to any monarchy on the face of the globe. God pity this land when a man's title to true nobility shall not depend solely upon his personal worth and merit; where the measure of his greatness hangs upon the empty bauble of a title conferred upon some worthless ancestor. There can be no heraldy of merit founded upon superior skill or genius in the great world of use. And herein should ever consist our superiority over the nations of the earth. When we foolishly surrender this boon this great Republic will surely fade from the nations of the earth.

The Question of Trusts and Coöperation.

I am not one of those who feel that they are called upon at all times and in all cases to denounce trusts, combinations, coöperative, or corporative investments. Many combinations produce more beneficial results than otherwise, and are in the interests of the people. There are unlawful trusts, however, which do harm and which menace legitimate interests in every direction. These should and can be regulated by law, State and national, and I stand ready to take my share of the responsibility in pass-

ing such laws, for I am convinced that such determined remedial agents are necessary. I would crush out the trusts and combinations which oppress as I would encourage and foster those which are organized for beneficial purposes.

I am a thorough believer in "profit-sharing" enterprises—coöperation and coöperative effort—for many good things can be done by this means which are not possible by private capital or private enterprise alone. Trusts when organized for the public good should have proper encouragement, but when they have reached the point where they, by aggregated capital and combination of interests, attempt to, or influence, legislation, either State or national, they should be removed and dispersed.

In explanation of a trust that has my unqualified indorsement, I instance the case of the raisin men of five counties in California, Fresno, Tulare, Madera, Kings, and Kern Counties, which have agreed that all raisins are to go into the hands of the organization to be sold, doing away entirely with middlemen. To perfect this plan, they propose to raise a capital of say $250,000, representing the same number of shares at $1 an acre, so that there would be no need of resorting to commission houses for advances. It is further proposed that each neighborhood or district shall have a coöperative packing-house in order to reduce the cost of preparing the goods for market. When a sale is made the proceeds are divided pro rata among all who have goods in the warehouse, so that no one could have any advantage over another. No one will be injured who does not join the association. Consequently such a trust as this becomes a public benefit.

The Iron and Coal Industry.

The question of free or dutiable iron and coal, as affecting the interests of California, from a narrow point of view, may be debatable, but on a broad view of the suject we find we are in touch with the coördinate welfare of our sister States of the Union. We may ask if we can build up the highest prosperity of our own, or any one State, while we neglect the interests of others, or do we not profit most when others are prosperous? California produces but little iron or coal. These commodities are imported in large amounts, chiefly from foreign countries, and in foreign ships, iron from England, Sweden, and Russia, coal from Great Britain, Australia, and Vancouver Island.

California is the largest importer of coal of any State of the Union, the amount being about 1,000,000 tons annually, and paying over $700,000 in duties to the National Treasury. Under this bill the duties are very largely reduced and the consumer expects them cheaper in our markets. But this expectation will not be realized, as we generally find that an importer, as well as anyone else, will charge all he can get for an article whether he has paid duty on it or not, particularly when he, or a syndicate, has the power of a monopoly.

Competition Keeps Down the Prices.

The production of coal on the Pacific coast, though small, kept this monopoly down, or nearly down, and by the power of competition, though limited, kept down the price to the consumer. But without the duty the American producers of coal could not maintain themselves. It is doubted that the reduced duty provided for in this bill will be sufficient to aid the Ameri-

can miners of coal to keep up their competition, though they will do so if they can, and the result may be that the trusts controlling the foreign coal will raise the price to consumers.

Mr. POWER. Will the Senator from California allow me?

Mr. PERKINS. Certainly.

Mr. POWER. Where do you get your coal used for the shipping interests?

Mr. PERKINS. As I was about to state, large quantities of it are brought from England, large quantities from Australia, and large quantities from British Columbia, with our own domestic product in Washington, Oregon, and California.

Mr. POWER. How does the coal produced in Washington and Oregon answer for the shipping interests?

Mr. PERKINS. For steam purposes?

Mr. POWER. For steam purposes.

Mr. PERKINS. The coal of California and Oregon has not been as good steam coal as that of Washington and British Columbia. However, the coal of the State of Washington, and I speak advisedly, has veins that compare favorably with any other steam coal upon the coast, its principal competitor being that of British Columbia or Vancouver Island.

Mr. POWER. Is the coal from the State of Washington as good as that from Vancouver Island?

Mr. PERKINS. I think in some of the mines it is quite equal to that of British Columbia.

Mr. POWER. The Government made a contract for the Bering Sea fleet in the last few weeks for coal from the British country, taking that coal in place of our product. I was called upon to look after that so far as some friends are concerned, and that is the reason why I asked the question. Why was that done?

Mr. PERKINS. The Senator from Montana calls my attention to the fact. I presume it is done to carry out the foreign policy of this Administration perhaps.

Mr. POWER. So I thought at the time.

Mr. PERKINS. I am somewhat a consumer of coal, being obliged to purchase from 5,000 to 10,000 tons monthly, and from an actual test in our experiments we find that the coal of the mines in the State of Washington called the Franklin mine, for steam purposes, is equal in its efficiency to that of any coal upon the Pacific coast, notwithstanding the Government in asking for bids or proposals for furnishing coal did not mention this mine, but advertised only for foreign coal.

Mr. POWER. That is what I understand.

Mr. PERKINS. Not being in accord with the present Administration I am unable to give my friend the information he desires.

Mr. ALDRICH. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. ALDRICH. Does the Senator from California mean to be understood as saying that the bid of the Department excluded American coal?

Mr. PERKINS. I will not say that it excluded it, but it was not considered, I understand.

Mr. DAVIS. Has attention been called to the character of the Washington coal?

Mr. PERKINS. The case can hardly be otherwise, as the mines of the Washington coal have been worked for thirty years or more, and it is used continually by the steamships operating on the Pacific coast. The company that I in part represent, engaged in operating steamships, consumes from 5,000 to 10,000 tons monthly; and I speak without reservation when I state that its effective use for steam purposes is equal to the coal of British Columbia or any other coal.

Mr. MITCHELL of Oregon. In addition to that, if the Senator will allow me, the special attention of the Secretary of the Navy was called to the fact that the Washington mines had been omitted, by a communication signed by several Senators, myself among the number.

Mr. DAVIS. What response was made to that communication?

Mr. MITCHELL of Oregon. The response was to the effect that under all the circumstances as far as they were advised they thought the British coal the best.

Mr. ALDRICH. If the Senator from California will further allow me, I beg to call the attention of my distinguished friend from West Virginia [Mr. FAULKNER] to the fact which has been stated by the Senator from Oregon, and to ask his influence with the Administration to see that domestic coals are properly treated hereafter.

Mr. FAULKNER. If the Senator from California will permit me, I am satisfied that the Administration which is now in power would certainly (if it was in accordance with an economic administration of the Department) much prefer the use of American coal to foreign coal, and I suppose it can only be by reason of misinformation in reference to the quality of the coal which could be furnished by those mines that they purchase at all the foreign coal to which the Senator from California has alluded.

Mr. PERKINS. I had not referred to this in my remarks; I tried not to be personal at all; and ordinarily I should defer to the judgment of the Senator from West Virginia; but I have some knowledge of coal, because the vessels which I am engaged in operating consume large quantities of coal and we know from actual test, not a theoretical experiment, but by burning 1,000 tons of coal from this mine and 1,000 tons of coal from the other mine, that the same speed of a vessel under similar circumstances is attained. That is the result.

Mr. MITCHELL of Oregon. I should like to ask a question right here. The Senator from California, as he states, and we all know, is a very large consumer of coal on the Pacific coast. That being so, of course one would naturally suppose that he would like to get the coal so used as cheaply as possible. Does the Senator think that by putting coal on the free list he in the course of a few years, if at all, would get his coal as cheaply as he does now?

Mr. PERKINS. I shall endeavor to demonstrate the fact, but my time is passing, and I wish to make a few remarks about the income tax. I shall have to file a special brief with my friend to show him that I am satisfied the consumer would not get his coal one cent less, judging the future by the past. Before our mines in Oregon, Washington, and California were developed (and we have a few of them in California) coal was always purchased from the ships to arrive, and the consumer was never

benefited one cent thereby. But, parenthetically, speaking of the question of my friends from Montana and Oregon, it is true that our Government did not give our Oregonians and Washingtonians an opportunity of competing, yet I want to say a kind word for our friends in British Columbia. They are our neighbors, and they buy a great many goods from us in California. They are a very kind-hearted, hospitable people. They are an American people, who ought to be connected and allied with us by political bands.

To show how much more generous they are than our own Government, to one of the steamship companies that I can call to mind I think they have paid during the past twenty-five years a special mail subsidy for carrying the mails by steamer from San Francisco to Victoria, British Columbia, of from $5,000 to $10,000 a year, while our Government pays for carrying the mail about $1.50 a mail, I think. That is the policy. Therefore I feel very kindly toward our friends, and if they would unite themselves with the United States I should not object to purchasing our coal there altogether.

But since the Senators from Montana and Oregon have called attention to the discrimination against American coal, I am sure my friend from West Virginia, having a judicial mind, will say at once that there is some mistake and that he himself will volunteer to remedy this wrong, and in the next bid the coal of Washington and Oregon will be invited to compete.

Mr. FAULKNER. If the Senator will permit me, I have no doubt that after the Secretary of the Navy has read the very elaborate and satisfactory argument of the Senator from California on this subject and knows his ability to talk from personal knowledge of the quality of the coal there will be no difficulty whatever. I understand that this coal was excluded on the report of the officers who had tested it.

Mr. PERKINS. Since the question has been brought up I want to say in justice to the Department that while the Washington coal is just as effective and is equal for steam purposes, yet it is not quite as clean, and the officers prefer a harder coal that does not throw any cinders on the deck or upon their suits of clothing made of foreign wool. I think I can make it clear even to my friend from West Virginia that there should be a duty upon coal; but I wish to say that I have an interest in one mine and that I am interested in the management of a company which has investments in several coal mines; and while those who know me would hardly charge that it would influence me in my vote, yet as there are some evil-minded people who sometimes misconstrue a person's action, when the question of the coal duty is up for consideration I shall, with the permission of the Senate, refuse to vote upon it.

I do not believe it right for anyone to vote on any measure in which he has a direct interest, if it is ever so small; and yet to my satisfaction, and I think to the satisfaction of my friend from West Virginia, I can show that the duty should not be reduced from 75 cents to 40 cents a ton, and that after all the talk of "free coal" the people of the Pacific States would have "dear coal" as the results of their efforts. I am confident that the price will not be reduced, though the duty is, and the difference between existing duties and the reduced duties will go into the pockets of the foreign ship and mine owner. The trusts are

powerful enough to do just as they did before when the duty was reduced to raise the price to make up the difference.

The Statistics of the Coal Question.

For the year 1892 the total output of the coal mines of the world was 539,000,000 tons. Of this the United States produced 179,000,000 tons, or nearly 33 per cent of the total. Of this product the United States exported from her Atlantic and lake ports—

	Tons.
Anthracite	851,000
Bituminous	1,645,000
Total	2,496,000

During the same year the United States imported—

	Tons.
Anthracite	65,058
Bituminous	1,143,000
Total	1,208,058

Leaving this general statement, and coming to the coal consumption of the State of California, the statistics show that she imported from all sources of supply during the years 1892 and 1893, viz:

	1892.	Per cent.	1893.	Per cent.
FOREIGN.				
	Tons.		*Tons.*	
British Columbia	554,600	35	583,527	40
Australia	314,280	20	202,017	13.5
Great Britain	235,560	15	170,078	11
Japan	4,220	.....	7,758	.5
Total, dutiable and nondutiable	1,108,660	70	968,380	65
DOMESTIC.				
Washington	383,320	24	428,985	29.5
California and Oregon	66,150	4	63,460	4.5
Pennsylvania and Maryland	35,720	2	18,960	1
Total	485,190	30	511,405	35
Total importation	1,593,850	100	1,479,785	100

It may with safety be assumed that the 65,058 tons anthracite reported as coming into the United States were delivered at California ports. Deducting this from California's total importations of foreign coal will leave a balance of 1,043,000 tons of dutible bituminous coal brought to her ports, showing that only 100,000 tons foreign bituminous coal went into all other ports of the United States, and that of all the foreign coal imported during 1892, California received over 91 per cent.

It will thus be seen that California occupies a singular and unique position relative to the Government tax on fuel. This is because:

1. She has not within her borders any known deposits of coal suitable in quality for the general needs, and within reach of her centers of consumption.

2. She is the most populous of the sparsely settled Pacific coast States, and therefore offers the largest market west of the Rocky Mountains.

3. She is essentially an agricultural State, dependent upon distant markets for the sale of her products, and compelled largely to use ocean carriage for transportation. This fact attracts vessel tonnage, almost entirely foreign in nationality, and which coming from far distant points is chiefly laden with coal as inward cargoes.

If business policy, and not theories shall determine the right of government to protect by tariff those lines of business which need protection, shall get any consideration, that policy will be best which tends to encourage the development of resources to the profitable employment of capital and to the largest amount of work and rates of wages. What that amount of tariff, distinctly for protection, shall be, is the question for those who fix the rates, but unquestionably it should be no more and no less than is necessary to equalize the cost between the same grades of foreign and domestic material laid down at the seaboard ports.

California's Position Explained.

Respecting coal, California's position is different from that of every other State of the Union. Leaving out of the question any discussion that she may have interests requiring the help of sister States towards shaping the governmental policy for their protection, it is a fact that with her the farming element is the most important. The farmer pays the outward freight on his wheat because he gets for his product the difference between the foreign market rates and the freights by sailing ships. Therefore, whatever tends to increase the outward carrying tonnage, or what will lower the cost of wheat freights, is in the interest of the farmer.

Dismissing for a moment the reciprocal interests of California with her neighboring States, it is a fact that coal constitutes the largest volume of inbound freight; therefore, it is better for the farmer if the coal trade of the State shall be supplied from distant foreign ports, because—

1. The inward earnings enable the ships to carry the wheat outward at lower rates than would otherwise be possible.

2. Coal as cargo from distant foreign ports sends here an increased tonnage of wheat-carrying ships.

It therefore follows that the importation of coal from adjacent foreign ports is not in the interest of the farmer, because it is carried in British steamers and by other nonwheat-carrying vessels. The importation of coal from near foreign mines has two effects in California: It displaces the product of mines worked by American labor in adjoining States, and to the extent that it displaces the product of distant foreign mines, to just that extent does it lower the list of vessels that would otherwise be attracted to carry away California products.

It is entirely safe to say, and the statement will be borne out by unprejudiced experience, that the abolition of the present duty as proposed by the bill as it came here will shut the California market against the American coast mines, and lead to a further absorption of the coal tonnage by the mines of British Columbia. An examination of the statistics for the past six years will show that the supply of domestic coals imported has decreased over 30 per cent. During the same period that of the British Columbia mines has increased nearly 90 per cent, while that from distant foreign mines shows no material increase.

It may naturally be asked, why should this result follow, seeing that the abolition of the duty would apply equally to foreign coals from Great Britain and Australia, and why may not the American mines still maintain their foothold. The answer is:

1. British Columbia coal as compared with that from Washington is better for household use, and for steam purposes it equals the best and is superior to most of the local domestic products: hence, it is in greater demand in the California market.

2. British Columbia mines, having flat veins, are more cheaply worked than the pitching veins in Washington, and being nearer tide water their output can be shipped on board vessels at a lower cost than coals in Washington.

3. The product of British Columbia mines is largely carried in cheaply built and cheaply operated British steamers, and therefore the cost of freightage is less than from the American Puget Sound coal ports, that use American sailing ships and more costly steamers, and these causes have operated to diminish the California supply from Northern American coal fields, and the abolition of the present duty will finish the struggle.

With respect to distant foreign coals, the answer is: The miners of British Columbia coals sell their own product in the California markets. Controlling the amount and cost of their supplies, by the use largely of British steamers they are within four days of their mines, and are thus enabled to undertake contracts for large deliveries. The dealer in other foreign coals is distant sixty days from Australia, and one hundred and twenty to one hundred and fifty days from Great Britain. The uncertainty of the arrivals of sailing ships from such long voyages makes it inexpedient to undertake such large contracts, unless by the carriage of unwarrantably large stocks of coal. He does not know nor can he control costs, for while the free-on-board price of coal at foreign ports is practically constant, for long periods, the inward freight rates are constantly fluctuating.

Forces the American Coal out of the Market.

These are the chief reasons why the British Columbia miner is in position to force the domestic coals out of this market, and why he has been able to prevent any marked increase in importation from abroad. At the same time, while it is not contended that there should be a discriminating tariff against British Columbia, it should be emphasized that this growing absorption of California coal trade by these mines deprives the farmer of wheat-carrying vessels, tending to increase his outward wheat freights, when he competes in European markets against the world's wheat. It has retarded the mineral development of the State of Washington, which is practically in infancy, and the destruction of the tariff will further dwarf promising coal-mining in Oregon.

The Consumer Gets no Benefit by the Reduction.

Who will benefit by the reduction of the duty on coal? As the function of such laws is to do the greatest good to the masses, let us analyze the coal traffic of California, and ascertain whether the great public will reap any material advantage. The American coal-producer on the Atlantic seaboard protests against any reduction in duty, because the Nova Scotia mines will disturb his trade in the great consuming centers of New England.

The American miner on the Pacific coast contends for a chance

to keep his present trade in California against mines in British Columbia, but the same kind of practical reason applicable in the East does not fit the peculiar conditions there. It can be said in prophecy that if the present duty be reduced the difference will go into the pockets of the British miner and shipowner. Theoretically it should all go to the California consumer. Practically it will not.

Iron ore of excellent quality is abundant, California alone having enough to supply the world indefinitely, but under existing conditions it is not available as a commercial factor. For our future development we are looking forward hopefully to the construction of the Nicaragua Canal to bring us in closer commercial relationship with our Southern brethren, with whom we are now working at terrible cross-purposes, hoping for the same material end. Does Alabama believe she can send her coal and iron to Italy or Turkey in exchange for figs, olives, currants, raisins, oranges, lemons, chromium, borax, or sulphur more advantageously than she could to California for the same products? All these commodities and many more are California products, in great abundance and in greater perfection than elsewhere known. Of one important thing our Eastern (including Southern) friends appear to be ignorant or indifferent and narrow: that we have all the Mediterranean countries on our Pacific coast, all Northern Europe in our Mississippi Valley, all Great Britain and her every natural resource many times repeated in our Atlantic States, all the precious mineral regions of the world in our great Western plateau, and all Scandinavia, Laplandia, and Samoldia in our Alaska. But partisanship and limited local or individual interests subordinate all to narrow dictation.

What California Pays the General Government.

The Republicans ask for this development by mutual assistance, by a syndicate of States as business men form syndicates for successful operations. We of California pay without complaint as a contribution to the general good of the other States and in support of the Government $8,000,000 of customs, of which three-quarters of a million is for coal and $2,192,581 internal revenue direct, and several millions more indirectly being paid directly at the place of manufacture of whisky, tobacco, beer, and oleomargarine. It is estimated that California pays annually $6,000,000 of the internal-revenue tax, when her just proportion would be less than $2,000,000, the gross amount collected in the United States being $160,293,130. Thus California pays into the Treasury over $15,000,000 annually. These great and disproportionate payments, continued through a long series of years, entitle her to careful consideration and justify her request for protection and assistance in developing her natural resources for the mutual good, power, and glory of our common country.

The Iron Industry.

There is received at the port of San Francisco from 18,000 to 22,000 long tons of pig iron annually, almost entirely from Great Britain. A little more than a year ago this trade was broken into by the arrival at that port of a shipment of 930 tons of pig iron from Birmingham, Ala. This proved of excellent quality, and more was immediately ordered. The agent, Mr. John Martin, at that time stated that the iron could be supplied at the furnaces as cheaply as at the furnaces in Scotland, but the freight

rates were greatly in favor of the foreign product. That is, the rate per ton from Ensley or Birmingham via New York to San Francisco was $13.15 per ton, while from Glasgow to San Francisco the rate was $2.40 per ton. Adding to this the duty of $6.92 per ton, makes a total of $9.12 a ton, or a difference of $4.03 in favor of the British and against the Alabama product. The price of pig iron ranges in San Francisco from $ 3 to $30 per ton, or did at the time these transactions occurred. But with the tariff as it is and the canal of Nicaragua completed, shipments via Mobile or New Orleans to Pacific ports would place the ironworks of Alabama and other Southern States on an equality with those of Great Britain.

Here we make these concessions for mutual assistance and development. A member of the other House is reported as saying he voted against sugar because his State was not interested in sugar. Many have opposed protection to iron because, as it was charged, only one State—Pennsylvania—was engaged in its production. Now several States are interested in it, and all should be. Iron and coal are the basis of British power and wealth, and wherever in our country, under protection, their production has been carried on, there have grown prosperous communities, wealthy and powerful States. Knowing the condition of the Southern States, so undeveloped were their great natural resources when they attempted to establish the Confederacy, that a strictly enforced blockade would have soon starved the people and rendered the government powerless and compelled submission without a Bull Run, a Gettysburg, or an Appomattox. These developments are and must be through protection and interstate commerce, and not through free trade and foreign commerce.

The Income Tax.

Of the income tax, I can but say that it appears in the bill before us one of the most insidious and deceitful ever expressed in a multitude of words.

It appears most fair that the individual who rides on Mr. Bellamy's coach, which other individuals pull through the dust and mud of good and bad roads, should be made to pay his fare, or at least to pay more than those who do the pulling; and it is on this theory the income tax is advocated. Were this theory sound it would still be found impracticable to collect that fare with any equality or any degree of satisfaction or profit. At first glance it appears that the income tax is levied only against those who ride. This appearance makes the proposition popular with those who believe they do all the pulling for this coach made so famous in the "Looking Backward" story. A closer examination of these sections of the bill show that the pullers of that coach are taxed as well as those who ride.

There are but few thrifty persons who have not invested some surplus earnings or "laid aside for a rainy day" in some incorporated company or savings bank. Such people are of the most beneficial toilers of the world. They comprise millions of our people of small incomes. In all the great companies are many of these, and possibly many call for an income tax. They do not know that their savings are aggregated in the bank or other corporation, and made to pay the same tax as if the depositor's income were over the limit of four thousand. Many a poor man

and woman will find their scanty dividends lessened by the income tax if this bill becomes a law.

How it Will Affect the Thrifty.

There are 4,781,605 depositors in the savings banks of the United States, with $1,712,769,026 on deposit, an average of $358.20 to each person. Of these California has 175,672 depositors, with an average of $886 of deposits, or in all $126,781,530. This includes $101,462,937 in the savings banks of San Francisco and $25,318,593 deposited in the interior savings banks of the State. How much of this belongs to "plain people," "wage-earners," and the like, it is impossible to ascertain. We know that for a long time there were many capitalists there who found it easier and more profitable to deposit large sums in savings banks than to invest themselves, but during the troubles of last year their funds were not available, and since then they are doubless withdrawing their patronage from savings banks. Many of these banks now decline to accept any large deposits, the general limit being $10,000, while some are said to have a limit of $4,000.

It stands to reason, therefore, that a very large percentage, or nearly all, of the depositors are people of moderate means, who, not being able to take care of their savings, give them into the custody of those whose business is to conduct these trusts. There are 120,642 depositors in San Francisco and 55,030 depositors in the interior banks, and while we can not get accurate statistics the nearest obtainable estimate is:

Depositors of less than $1,000	157,745
Depositors of over $1,000 and less than $2,000	8,722
Depositors of between $2,000 and $5,000	6,024
Depositors of over $5,000	3,181

The average of deposits in our four largest local savings banks in San Francisco is, viz:

German	$1,046.97
Hibernia	606.04
Savings Union	1,246.12
Savings and Loan Society	1,144.32
The lowest average deposit in all the banks is	57.67
The highest average deposit in all the banks is	1,760.00

The savings banks in California are of two classes, mutual and stock corporations, while in the East savings banks are mainly mutual concerns, having no stock, and are managed by directors more or less upon a philanthropic basis wherein all depositors are members and there are no stockholders.

Depositors In Savings Banks to Pay the Tax.

If the income tax were imposed, it would of course apply to mutual and incorporated savings banks as well as all other corporations and they would have to pay upon their income, which consists of the interest upon loans and investments. This income, less expenses and dividends to stockholders, is now used to pay interest to depositors which we will say is 5 per cent. Corporations are not so liberal as to allow this charge, the income tax, to apply entirely to stockholders; therefore it would be deducted from the 5 per cent paid depositors, and the man, who has accumulated $1,000 and is now receiving, say, $50 per annum as the earnings of his savings, would get $50, less the in-

come tax of 2 per cent. There are also in California, and I think throughout the United States, Building and Loan associations, Mutual societies organized for the purpose of assisting the mechanic and wage-worker in building a home and paying for it in monthly installments.

Thousands of homes are by this plan builded each year, that fall like a benediction upon the American family. It is almost cruel to impose an income tax upon these societies as this law proposes.

The larger depositor, if his wealth were all in the savings banks, from which he received say $4,000 annually, would have paid the tax once through the bank and then would have to pay it again personally, and this would apply to anyone whose income was derived from corporate investments. The company would have to pay its tax and then the shareholder, who received dividends, would have to pay it again, *i. e.*, the same income or earning power would be taxed doubly in its distribution. This may be the desired object, but it is double taxation, and therefore not equitable.

Discouragement to all Enterprise.

The worst feature about the proposed measure appears to be the discouragement it would give to enterprise, and particularly to combined effort, in the form of corporate undertakings. These are the times when the greatest encouragement should be given to all who are willing to develop new resources, for so much has been done to discourage capital that disaster and misfortune appear everywhere. Is it not possible that under an income tax we would drive from us many whose wealth is now of great benefit, and should they invest their capital in other countries how could this Government collect income tax upon such investments?

A man's income is a personal affair and he will not willingly disclose it, but, if forced to, will be driven to dishonest methods in resenting what he regards as an injustice. One of the bank commissioners of California writes me:

> I am told that the income tax works well in England, but I am not familiar with the system there and it may be possible that it is a blessing in disguise, but viewing it as a creation of the Democratic party, I am loath to appreciate it,
>
> It is more or less in evidence that the rich do not pay their just share of taxes, but the proposed plan will place greater burdens upon those of moderate means, who can not escape, and the class sought to be taxed will evade the law in one way or another.

Unwise, Unnecessary, and Un-American.

I am opposed to this income tax provided for in this bill for many reasons, but first and principally because it is un-American. I am also informed there is no income-tax law proper imposed by any republic of the world to-day. It is a recognized monarchical form of taxation and should have no place upon the statute books of this country, unless as a war measure. There is no demand for it except from a few theorists and free traders who seek to secure by it money with which to pay the expenses of the Government and create an army of taxgatherers. This money, in my opinion, is needed and needed badly, but it would be more American-like if we insisted on collecting it from the foreign materials and manufactures sent here rather than from

our own people. It is inquisitorial and, judging the future by the past, it will do far more to manufacture perjury than to produce an income to aid in supporting the Government. Who can deny that it is a deception; that it does not promise things it can not perform? It is supposed to be leveled at the rich and the rich alone; at those whose incomes are four thousand and over per year, and it is on its face; but there are thousands of others who will be affected by it, for it will reach into the savings banks as I have shown and tax every depositor, rich or poor.

It will affect all injuriously. It proposes also to give certain designated persons the right to look into the private business of all business men and business enterprises; to expose every one's private books to the public gaze: to require the successful business man to expose the sources of his success to those who are not so fortunate, to force him to an unnatural competition. Henry Clews, well known as a banker and financier in New York, as well as to the business world everywhere, in a recent letter says:

> I remember during the war period, when various tax laws of that character were in force as war measures, it was quite a usual thing for the collector of one of the districts named, who was a bold, unscrupulous, and money-making man, to forcibly seize the books of well-known firms and keep them in his custody at his own office for experts to examine at their convenience and, I have no doubt, in many instances even to copy parts thereof; at any rate, such was the general impression.

Why it Would be Specially Injurious Now.

Hundreds of others give similar testimony. Setting aside for the present all other objections to the income-tax feature of this bill it is clear, even from the statement of the honorable chairman of the Finance Committee of this body, that it is not necessary, for the reason that the bill raises enough to meet the expenses of the Government without it. We certainly should not provide for such a great surplus of revenues as the income tax proposes to raise. We do not need it and it will turn out to be a plague to annoy and punish us. This is also the most inopportune time to try such legislation. The recent financial depression carried down many of the supposed strongest business firms and farmers of our country, and has kept them down; others who have credit have managed to keep their heads up in spite of unfavorable circumstances, and if allowed to do so will come out all right in the end.

The Danger of the Tax Gatherer.

But if they are forced to open their books and accounts to the public gaze—to the income-tax gatherers—it will be shown that they exist in many cases on credit and the confidence of their friends and supporters; and the result can not but prove disastrous to them and others. We have had enough of pulling down, and certainly there should be no excuse, no statute placed in our laws which would increase and encourage financial disaster, and which would wreck those that would otherwise sail along pleasantly until times improved, when they can manage on their own account. It is for them and those depending on them a great struggle, and if they are not required to "show their hands," as it were, they will weather the storm and sail along in pleasant waters. What we need is confidence, and it should not be destroyed by the operations of the income-tax

gatherer. We have business troubles enough already staring us in the face without the law placing in their pathway one which would be even greater than all else combined.

But if this bill is to become a law there is no reason that a member of the Congress of the United States should have $4,000 of his salary that is paid him by the people go free from taxation. There should be no exemption above that of say $600 per annum, which is about the average wages of the laboring man of the country.

It has been charged by those who profess to believe that every step toward free trade is a step in the direction of national prosperity and happiness—it has been charged, I say, by these gentlemen that protection of American industries tends to build up a moneyed aristocracy at the expense of a less fortunate democracy. That is, that it tends to make the rich man richer and the poor man poorer.

Protection Does not Increase Riches at the Expense of the Poor.

I do not flatter myself that I shall be able to refute this charge with such power of eloquence and of logic that those who differ with me will at once subscribe themselves as converts to my opinion; but I must say that to me, as a business man, the facts seem to lie so distinctly in one direction, that I can not see how any other conclusion can be reached than this: that while protection has made many men rich it has made no man poor: that it has resulted and can only result in national wealth without inducing individual poverty; and that if great fortunes have been made, such fortune-making has been the logical sequence of this national prosperity, and not at the expense of the individual.

A protective tariff, as I understand it, is simply the impost of such duties as will allow the producer of this country to compete with the producer of other countries, either by keeping out entirely the products of competitive nations or by adding such amounts to their cost by a tax on entry as will enable our producer to market his goods at a fair and legitimate profit. I am aware that gentlemen of great intelligence and far more political acumen than I possess may hold this to be, if not a mistaken at least a debatable proposition; but such is my honest opinion, largely shared in, I believe, by those who are of my political faith. I know that there are gentlemen on the other side who claim that this protective tariff, while it may foster American industries, fosters them only to the benefit of the manufacturers' pocket and to the depletion of the purchasers' pocket. Now, if this were so, it would inevitably follow that the manufacturers of this country would constitute the great millionaire class. But such is not the fact.

The Value of Our Properties.

The total assessed value of all properties of the United States in the census year, 1890, I am informed, was $64,340,092,988, of which amount no less than $39,544,544,333 represent real estate and the improvements thereon; a division of our wealth in which every property owner of the United States has his share, and whose magnificent figures are due to the vast extent of our ter-

ritory, to the masterly activity of our people, to their incessant desire for better surroundings, and to the general increment of values. The next largest item is that of transportation agencies; the value of railroads, street cars, shipping, canals, telegraphs, and telephones being $8,399,491,612. The magnitude of these figures, which are decidedly conservative, can hardly be said to be due to the discriminations of a protective tariff, because while the wonderful business of transportation must be undoubtedly ascribed to the movement and development of our products, we are told that the reduction of the tariff would result in an increased energy along all the lines of national and commercial affairs.

The estimated value of live stock on farms and ranges, of farm implements and machinery, is $2,703,015,040, and whether the live stock and the mechanical accessories of agriculture would be of a higher valuation if the cattle ranges and machine shops of the world could send us their yield unchecked, and whether the farmers of the country would be better therefor, is a moot and precarious question.

Our mines and quarries, including the products on hand, are valued at $1,581,964,793, and if these have been developed under a protective tariff, so much the better, and I fail to find clear or valid proof that anyone has been injured by this development.

The value of general merchandise, that is, tradesmen's stock, household and personal effects, grain in elevators, goods in bond, and all exempt State and national properties is $7,893,708,821.

There remain to be noticed only the estimated value of the machinery and the product on hand of mills and factories, $3,058,593,441, and the gold and silver coin and bullion, $1,158,774,948; and it seems to me absurd to seriously advance or combat the proposition that the effect of a protective tariff has been to place either of these two amounts in the centralized control of a few rich men to the detriment of the many poor.

Let us look a little more particularly into this fascinating subject of accumulated riches. That we have a moneyed aristocracy can not be denied, but I find nothing in its composition to show that it has been built up by a protective tariff; nothing that would even indirectly point to that inference. New York to-day, I suppose, contains more rich men than any other city in the world, but its lists of plutocrats is singularly deficient in those millionaire manufacturers who, we are told, have sprung up in the hotbed culture of protection.

How Riches Have Been Piled Up.

The rich men of the West have rolled up millions in railroads and mines, and those of the Central and Southern States chiefly through the manipulation or ownership of agricultural products and live stock. I might add the names of the many millionaire women, rich through shrewd investments, but refrain from introducing them in this discussion. It is a far more difficult task, I find, to start on a list of manufacturers who enjoy a parity of wealth with those I have referred to, and a still more difficult one to trace any connection between their wealth and the protective tariff. Some, it is true, have built up fortunes more or less vast in manufacturing, but it is equally true that they have made these fortunes under the protection of patents and not under the protection of tariff. And these patents upon new in-

ventions have resulted in most every instance in reducing the price of the manufactured articles to the public.

I am aware that the great manufacturing States of the East contain hundreds and thousands of men who have reached opulence through the prosecution of protected industries, but their opulence is a comparative one and not that of the great rich ones of the nation who through real estate, railroads, trusts, and speculation in man's avidity for sudden gain really control the financial balance of the country. This general statement is borne out in an especially forcible way by the detailed facts collected some little time ago by a New York newspaper. A census was at that time taken of all the millionaires in the United States, and a schedule furnished of the source of their wealth.

An actual list of 4,047 persons reputed to be worth a million dollars or more was compiled—of whom, by the bye, no fewer than 1,103 lived in New York City—and the recapitulation of the sources of wealth displayed a very curious and instructive condition of things.

The Sources of Wealth.

The condensed history of these 4,000 showed that 986 have made their fortunes in merchandising; 188 in mines and mining; 436 in railroads, shipping, and other transportation agencies; 803 in real estate, banking, and kindred occupations; 75 in agricultural pursuits; 93 in patented and proprietary articles; 58 in brokerage; 76 in local investments; 178 in such miscellaneous industries as contracts, hotel-keeping, etc.; 55 through indefinite sources; 65 in law practice, and 1 in that of medicine; 57 in printing and publishing; 357 in such indirectly protected industries as sugar-refining, tobacco-growing, malting, milling, etc.; and 619 in protected manufactures. Thus, from still another set of figures, the same unerring deductions are to be drawn, that a protective tariff is not the cause of the uneven distribution of wealth; that the accretion of great riches is due to the varied causes of temperament, inheritance, fortune, invention, shrewdness, and the rewards of commercial integrity; and that unless the accumulation of riches can be shown to be an evil, the list of millionaires can scarcely be classed as an exemplification of malign laws. There are yet other statistics at command which lift the proposition at issue far above the uncertain limits of hypothesis.

The $3,058,593,441 which I quoted from the stock account of the wealth of the nation represent, it will be remembered, the estimated value of the manufacturers' plant and stock on hand June 30, 1890, while late census figures show that the value of the manufactured products of the United States for the year ending June 30, 1890, was $9,370,107,624—truly a magnificent figure. Yes, but let us look for a moment at its components and distribution. In the first place, the cost of the material was no less than $5,158,868,353, which leaves the net addition to the wealth of the country at $4,211,239,271. Now, what does this sum represent? It represents the wages of the operative, the salary of the clerks, the premium to the artist, the payments on borrowed money, the interest on invested capital, contributions to government, local, State, and national; outlay for wear and tear, insurance, extension of plant, and, sometimes, profit.

The Sums Paid the Workers.

The wage account is an interesting one. To 106,620 clerks there was paid $117,574,355, while to all other employés, numbering 4,250,783, there was paid $1,890,908,747, or a total of $2,008,483,102. A simple sum in division will show us that the clerks received an average of a little over $1,100 per annum, while the army of workmen and workwomen and workchildren received an average of nearly $445 per annum. It seems to me that this one group of facts alone settles it that the people—the working people—are they who live and flourish under the benefits of protection. The people, indeed, for it should not be forgotten that the workers to whom the $2,008,483,102 was paid in wages numbered 4,357,403, or one-fifteenth of the entire population of the United States. Nor do these figures take into note the foundries, the machine shops, the architects, contractors, carpenters, and builders, whose services and labors are required as the industry grows; nor the factors and middlemen, nor the hundred and one more or less indirect beneficiaries of the industry. And it is God's blessing that it is so; and it has been our country's blessing and pride that it is so; and we should be careful indeed how we approach the momentous matter of change, and how we warp or modify a condition that has been so productive of general benefit.

The Intricacies of the Tariff.

No man has a greater appreciation of the intricacies of the tariff than I, nor has any man a better appreciation than I of the exceeding presumption that would mark any attempt on my part to simplify these intricacies. But it sometimes happens that the tyro may single out one proposition which seem likely to escape attention in a general discussion and which may be plainly and pertinently answered by the rules of common sense and business experience. It is to such a proposition that I have ventured to address myself, and it is in such a manner that I have ventured to specially refer to this phase of the subject under discussion.

We rejoice in the general prosperity of the world—all the nations of the earth. We feel a fraternal interest in the people of our own continent who have struggled with us in establishing free governments. We seek by legislation to advance the interests of our own country. In this can we not follow in the path and emulate the deeds of that grand statesman my native State proudly claimed as her own, and who did more than any other to inculcate these doctrines of protection and reciprocity for the good of our land and for sealing the friendships of all our American republics? To him we owe so much and returned so little—he who, standing on the sea-beaten cliffs of Maine, where the morning sun first sheds its beams on our most eastern shore, gazed over the land he loved with every thought of fostering care: over the hills and factories of New England, the great metropolis with its radiating arms of commerce, the rugged masses of the Appalachian chain with their stores of mineral wealth, the long Atlantic coast indented with its many harbors, bays, and rivers; over the fair fields, forests, and orange groves of the Southland, the broad valley of the Mississippi from the great unsalted seas and the countless sparkling lakes of the north to the distant Gulf of Mexico, with all the teeming industries of farms, and mines,

and manufactures, and trade of State with State; on over the empire of plains, the lofty Rocky Mountains, seamed with veins of glittering gold and silver; over the high plateaus and the snow-crowned ridge of the golden Sierra, with the genial and fruitful land at its base; on to the Pacific and the islands of the sea; on to the wild shores of Alaska—all his own great country, whose every locality he knew, whose every resource he fostered, whose every interest he guarded with a heart too large for sectionalism, a mind too pure for prejudice, let us, as he, take the broad views, be true and just to all, include all in our embrace, from Maine to California. Dirigo and Eureka!

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SPEECH

OF

HON. CHARLES L. SCOTT,

OF CALIFORNIA,

ON THE

STEAMBOAT PASSENGER BILL;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1858.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1858.

SPEECH.

The House having under consideration a bill to amend the act of 1852, entitled "An act better to provide for the security of the lives of passengers on board vessels propelled in whole or in part by steam"—

Mr. SCOTT said:

Mr. SPEAKER: I propose making some remarks in relation to the bill which is now before the consideration of this House, and shall confine myself more particularly to that portion of it which has reference to our ocean steamers. On the 20th of January I introduced a bill "to provide for the better security of the lives of passengers on board of steamers navigating the ocean propelled wholly or in part by steam." That bill was read twice, referred to the Committee on Commerce, and ordered to be printed. The committee, after due deliberation, and after a thorough consultation with persons who were considered experts in such matters, have reported favorably, and incorporated my bill in the one which is now before this House.

I know that many high and important questions, of a national character, are now absorbing not only the attention of this House, but the entire country. Already the great eye of the people is turned with a painful anxiety, and with a deep solicitude to our future course—to that vexed and threatening question, Kansas; and scarcely will the wild, fierce, and turbulent waves of sectionalism be settled by a proper adjustment, before another will again be presented, to agitate and distract this body, in the imposing form of the Utah and Nicaraguan difficulties. While I am free to confess, that, in each and all of these questions are involved great principles, requiring the combined wisdom of this distinguished body to fairly and justly reconcile, I nevertheless believe that the bill which is now before us is only secondary in importance to any measure, saving those which I have already alluded to.

It is true, sir, that no partisan press has heralded forth its advent. It is true that no popular tumult has given it a noted and a wide-spread reputation; its object and its purport have only been advocated periodically, when some sad, afflicting, and dire steamboat calamity was visited upon us. Then there would be a spasmodic action on the part of the public sentiment and the public press to prevent these steamboat abuses, which would scarcely last longer than the dying groans of those who had fallen victims either to the avarice, cupidity, or criminal negligence of the steamboat monopolies that are now looming up in our midst, and who, by their ill-gotten gains, have finally become so wealthy, so powerful, as to deal with impunity in the safety and life of all who may, by force of circumstances or by chance, commit themselves to their care.

Now, sir, whilst this whole Union is mourning over those who have fallen upon the battle-field of Kansas in the advocacy of their respective doctrines, whilst morality and decency are crying aloud and calling for redress against the polygamy of Mormonism, whilst the avowed advocates of law and order are fiercely denouncing fillibusterism, and lamenting over the sad fate of those who have fallen bravely and gallantly upon Nicaragua's soil, where has been the tear yet shed, the sympathy yet manifested by this body, for those who have been consigned to the watery caverns of the sullen deep?

Coming from a constituency that is immediately and directly interested in this subject, who are compelled alone to confine themselves to an oceanic route for the want of a better, I conceive it to be a duty which I owe them as their Representative, to place the object and intent of this bill in a true and proper light before you. I shall, therefore, briefly review those provisions which have reference to ocean steamers, and endeavor to show the effects and consequences that have already ensued for the want of proper congressional legislation on this subject, and the benefits and advantages that will inevitably follow by the passage of the bill. In doing this, I will have to ask your kind indulgence, as these matters are not surrounded with the fascinating charms of a political or constitutional question, but are merely statistical and dry in their character.

I will go back as far as the year 1851, and will enumerate a number of steam vessels that have been wrecked, lives that have been sacrificed, and treasures that have been lost, all attributable, as I

sincerely believe, to the want of such a bill as is now before you.

List of Steamers lost within the last five years.

Name of steamer.	When lost.	Value of vessel and cargo.	No. of lives lost.
President, (British)	-	$1,200,000	130*a*
Arctic, (American)	-	1,800,000	300*b*
Pacific, "	-	2,000,000	240*a*
San Francisco, "	-	400,000	160*b*
Central America, "	-	2,500,000	387*b*
Union, "	July, 1851,	300,000	none.*c*
Chesapeake, "	Oct., 1851,	50,000	" *c*
Sea Gull, "	Jan., 1851,	50,000	" *c*
Com. Preble, "	May, 1851,	50,000	" *c*
Gen. Warren, "	Jan., 1852,	50,000	" *c*
North America, "	Feb., 1852,	150,000	" *c*
Pioneer, "	Aug., 1852,	250,000	" *c*
Independence, "	Aug., 1852,	100,000	140 *c*
City of Pittsburg, "	Oct., 1852,	300,000	none.*d*
Tennessee, "	Mar., 1853,	300,000	" *e*
J. S. Lewis, "	April, 1853,	150,000	" *e*
Washington, "	April, 1853,	40,000	" *e*
Southerner, "	-	30,000	" *e*
Yankee Blade, "	Nov., 1854,	280,000	75*f*
Humboldt, "	-	1,600,000	none.*f*
Franklin, "	-	1,900,000	" *f*
City of Glasgow, (British)	-	850,000	420*a*
City of Philad'a, "	Sept., 1854,	600,000	none.*f*
Her Majesty, "	Sept., 1854,	250,000	80*a*
Opolousas, (American)	-	125,000	80*g*
Rhode Island, "	-	100,000	60*a*
North Carolina, "	-	100,000	15*g*
Winfield Scott, "	-	350,000	none.*c*
Tempest, (British)	-	300,000	150*a*
Lyonnais, (French)	-	280,000	160*g*
Albatross, (American)	-	120,000	none.*h*
Cherokee, "	-	450,000	" *i*
Knoxville, "	-	150,000	" *j*
Canadian, (British)	-	400,000	" *k*
Cresc't City, (American)	-	180,000	" *f*
		$17,750,000	2,307

a Never heard from.
b Foundered.
c Wrecked on the coast of California.
d Burned at Valparaiso.
e Lost on the Pacific coast.
f Wrecked.
g Collision.
h Lost near Vera Cruz.
i Burned in the harbor.
j Burned in the harbor of New York.
k Wrecked in the St. Lawrence.

Losses on the Lakes.

1854,	Steam vessels, valued at	$2,187,825	Lives lost,	119
1855,	" " "	1,692,700	"	118
1856,	" " "	1,378,100	"	407
		$5,258,625		644

On the western rivers for one year, from 1852 to 1853.

78 steamboats, 4 barges, 73 coal boats, 32 salt boats, } on board of which 400 lives were lost.

RECAPITULATION.—*Value of property.*

Lost on steamers on the ocean	$17,750,000
Lost on the Lakes	5,258,625
	$23,008,625

Number of lives lost.

Lost on the ocean	2,307
Lost on the Lakes	644
Lost on western rivers	400
	3,351

Making the aggregate amount of treasure and property lost in five years on the ocean, $17,750,000 in steam vessels alone; and the number of persons who have thus perished amount to over two thousand human beings. In addition to this, if we examine the loss of life and property on our lakes in the years 1854, 1855 and 1856, we find that it amounts to $5,258,625, and six hundred and forty-four lives; which, added to the losses on the ocean steamers, amounts to the enormous sum of $23,008,625, and over three thousand lives.

Now, is not this startling, and does not this state of facts loudly and imperatively call upon Congress to pass some law, so positive, so stringent in its character, as to stay this reckless, this inhuman and indiscriminate sacrifice of life, and wanton destruction of property? We have discovered that, in the short space of six years, over twenty-three million dollars have been consigned to the sea, and over three thousand souls have been buried in the "deep bosom of the ocean," by what we believe to be negligence, or a willful mismanagement on the part of those who own and who are interested in steamboats in this country. Now, this bill proposes to remedy this evil by making it the legal duty of all steamboat owners so to construct their steamships hereafter that in the event of their meeting with the dangers and perils that are incidental to the sea, they will be able to contend with and overcome them; or, if by accident the ship is lost, this bill amply provides, in my estimation, for the preservation of life, and for the security and safety of the treasure which may be on board.

Some of these provisions may appear to operate with severity and a degree of hardship upon the companies owning these vessels, on account of the expenses necessarily incurred in carrying out their requirements. In answer to any such objections, I would simply state that I believe that before the expiration of a year after the passage of this bill, they will be as much benefited as those whose lives are saved and whose property is preserved by its just and humane operations. For by its passage the risk that they incur of losing their vessels will be largely diminished, and the rates of insurance will decrease in a corresponding ratio, thus saving the owners of steamers a heavy tax as insurance money, whilst their receipts will be heavily increased when the traveling community receives the assurance that there is safety on board their steamers.

The thirteenth section of this bill provides "that all passenger steamers navigating the ocean shall be furnished with at least three watertight cross bulkheads, forming separate compartments." As regards this provision, I have been informed by numerous gentlemen, competent judges in such matters, that the expense of constructing these cross bulkheads in vessels already built will be attended with but small cost, whilst the additional guarantee of safety, both to life and property, will be almost incalculable.

This is no vain and empty assertion; and in order to satisfy this House of its truth and correctness, and also to demonstrate the immense superiority that a vessel that is constructed with these cross-bulkheads has over one that does not

possess them, I will cite the melancholy loss of the Collins steamer Arctic, which came in collision with the French steamer Vesta. The Arctic foundered immediately after she struck, whilst the French steamer Vesta, reached a harbor with her bows almost out of the water. Why was this? Because the Arctic was not constructed with these compartments, and the Vesta was, and consequently owed her safety in reaching port to that fact, and that fact alone.

Again, another case which has occurred more recently, illustrates the necessity of having our steamers so constructed. I allude to the Sarah Sands. She caught fire in the Indian ocean, with several hundred troops on board. This steamer was nearly destroyed and partly blown up by gunpowder, but being constructed in the manner prescribed by this section, she reached the Isle of France in safety. Here, then, is practical evidence of the utility, the efficiency, in fact the emphatic necessity of three compartments. Had the San Francisco, or Central America, and many others, been so constructed, we would not now be moaning over their sad and lamentable fate; neither would the destiny of the Pacific or the President be now clothed in an impenetrable mystery, of which no human mind can know more than that they are lost, and lost forever.

This bill also provides, in section fourteen, for a certain number of boats and pumps. There certainly can be no objection to that provision; for every steamboat company ought and should be compelled by law to look out for the safety and security of the lives of their passengers in the event of accident; and the only way that their lives can be preserved in such cases is, by having ample means, such as boats, pumps, rafts, and other appliances, to assist them in the hour of danger and in the time of peril. What was the situation of affairs on board the Central America, at the time when she went down on the 12th of September last? We find, from the evidence in this case, elicited by the committee of investigation of New York, that there were six hundred persons on board of her, and that she only had boats sufficient to carry one hundred and twenty persons in fair weather; we also find her pumps inadequate and insufficient for the occasion, and that she could have been easily and readily saved, if the necessary appliances which this bill provides for had been on board of her. Why, the Eldorado, Captain Burt, ran within fifty yards of her stern. If she had been in possession of a mortar and a life-car, as provided for in this bill, she could have shot a line on board of the Eldorado, made her fast by means of a hawser, and every human being and every dollar of treasure could have been conveyed from the Central America to the Eldorado. Unfortunately, and to our shame be it spoken, the law did not require her to have these on board, and the Eldorado, a small schooner drawing only seven feet of water, drifted some six or seven miles to leeward of her by morning, and was entirely incapable of rendering that service which the dictates of humanity demanded, and which her captain and crew were desirous of affording.

Section sixteen provides "that no steamer shall be permitted to carry more than one person for every seven tons of lawful tonnage measurement." I deem this a most wise and salutary provision; for I have traveled several times on the ocean steamers plying between the harbors of New York and Aspinwall, and from Panama to San Francisco, and I know that the companies now owning these California steamers are accustomed to crowd passengers on their vessels without regard to the safety of life, and utterly regardless of comfort and health. The European steamers seldom carry more than prescribed in this section, whilst I have seen six to seven hundred persons on a vessel of two thousand tonnage, and one thousand to twelve hundred on a vessel not over three thousand tons, which vessels did not have boats enough to rescue one sixth of the persons in the event of fire, leakage, or any other accident which might have compelled them to resort to the boats. I never yet have seen on these vessels a life-car or a mortar, articles that I conceive to be indispensable, and which are provided for by Government at the various "life-boat stations" on the coast.

As regards the "removal of two outside and two ceiling planks from each side of the vessel every five years," as set forth in section eighteen, is very important in its nature and object, and should be rigorously enforced; for past history on this subject shows conclusively that such a removal should be made, if we wish to avoid rotten hulls and unseaworthy vessels as a means for transportation of life and treasure. As an evidence, I point you to the steamer Illinois as one of the many cases. This steamer, carrying the United States mails, and commanded by a naval officer, was, a few weeks since, on the eve of her departure from the harbor of New York, when, by the merest accident, she was found to be so badly decayed as to render it necessary to remove some fifty feet of her outside plank. Had not this timely and most fortunate discovery been made, we would have had the sad and painful duty of again recording the sacrifice of a few more hundred lives, either to the culpability, cupidity, or carelessness of these steamship companies. And in addition to the above case, I here offer, in testimony of the necessity of this provision, the names of a list of vessels that have rotted within the period of five years from the time of their construction.

LIST OF VESSELS ROTTED IN FIVE YEARS.

Names of vessels.	*Where and when built.*		*Rotten.*
Ship Copota	New York,	1843	*1847
Southerner	New York,	1833	1839
Panama	Connecticut,	1834	1842
Helena	New York,	1841	1847
Vanguard	New York,	1850	1857
London	New York,	1847	1857
Maid of Orleans	New York,	1848	1857
Jacob Bell	New York,	1852	1857
Samuel Willets	Mystic,	1854	1857
Wild Pigeon	Portsmouth,	1851	1856
Bark Rover	New York,	1848	1857
F. A. Perley	Jonesport,	1848	1856
Roderick Dhu	Hallowell,	1847	1855
Brig A. P. Fluker	Orland,	1855	1857

*Rotten at both ends.

Again, there is another provision in section twenty-second that I consider very important, and

to which I wish briefly to call the attention of this House: it is in relation to steamboat inspectors, and whilst it is far from my intention to cast any reflection upon the character, the standing, or integrity of these gentlemen, I nevertheless believe that according to Scripture, "a man cannot serve both God and mammon;" hence my desire to prevent these inspectors from being in any way connected in any manner, shape, or form, with steamboats or steamboat companies, so that their inspections may be fair and impartial, and not swayed or influenced by pecuniary motives. If interested parties are to pass judgment upon their own interest, or part owners of steamers are to certify to their seaworthiness, the whole matter becomes a grand farce, and the traveling community becomes a prey to a combination of steamboat organizations, of agencies, inspectors, Government officers, whose immediate and direct interest will be to shield the enormities and offenses of these monster steamboat companies, and to perpetuate a system of duplicity and fraud upon the innocent and unsuspecting traveler, that only assures to him a sure and speedy death by intrusting his body to their kind and tender mercies.

Again: section nineteen provides that all authority shall be vested in the captain of the steamship, and that he shall have entire control over every department of the ship. This may cause some surprise, as it is enunciating an old common-law principle; but investigation of the loss of the Central America revealed the astounding fact that chief engineers were not under the control or subject to the command of the captain. Now if this state of affairs be true, we find an *imperium in imperio* on board of our steamers; and that where there should be but one head in the hour of danger—when human life and property are involved in the great stake, that disorder and confusion will inevitably prevail, from a conflict of opinions arising from having two commanders, who may differ in regard to the best method of saving the ship. To obviate this, the provision vests all power in the captain; and to him, and none other, is intrusted the fate of the ship, and to whom all shall bow in implicit obedience.

I have thus briefly and hastily as possible reviewed the various provisions of this bill relating to ocean steamers, and have arrived at the conclusion that it is sufficient and adequate to meet the present demands and requirements of the country, by insuring and guaranteeing by its operations better security to the lives of the traveling community. If steamers are compelled to have water-tight compartments, to have boats sufficient to carry each, all, and every passenger; if they have a mortar and a life-car, by which they can communicate and become connected with another vessel at sea; if they will have pumps, to be worked by manual labor, and donkey-pumps to be worked by steam; if they are inspected every five years, in order to ascertain their soundness; if they are intrusted to able and efficient commanders, who shall have the whole, sole, and entire control of them; and, above all, if they are inspected by local and supervisory inspectors, who are purely actuated by conscientious motives of official duty; I ask, in the name of common sense and common justice, if the fearful, and I may truly say, almost appalling risk that is now incurred, will not be greatly diminished?

Why is it that we do not hear of these frightful losses of life on European steamers? It is from the simple fact that ample means are provided by law for their prevention, and for the insurance of human life. Examine the laws of England regulating her ocean steamers, and it will bring a blush of burning shame to the cheek of every one who is capable of feeling, when we compare them with ours, and discover how infinitely superior they are. The utter recklessness on this subject which is now and has heretofore been manifested by the "universal Yankee nation," cries aloud for a remedy; and our national character as a humane, benign, and Christian people, demands that we should pass some law by which this wholesale butchery and indiscriminate slaughter of men, women, and children, upon our ocean steamers, shall be stayed. When we do this, we will have performed an act which will elevate us in the standard of the civilized nations of the globe, and will add additional reputation to us, as being among the first in the great commercial and maritime world.

I cannot conclude my remarks without alluding to the deep interest which the State which I have the honor to represent feels on this subject. The flag of our country announced, on the 10th of July, 1846, the conquest and occupation of California by American valor. Gold was soon discovered; and scarcely had the wonderful tidings been borne by the gentle zephyrs of the placid Pacific to the stormy shores of the boisterous Atlantic, when, as if by magic, the love of enterprise, the spirit of adventure, so peculiarly characteristic of our hardy and intrepid countrymen, was fully aroused, and thousands left their homes and their firesides to visit the golden land—

> "Bearing their birthrights proudly on their backs,
> To make a hazard of new fortune there."

Obstacles almost insurmountable seemed to arise to arrest their onward march; the cold and threatening Horn, the trackless desert, the boundless plain, the fatal rencontre, the tomahawk of the relentless savage created no fear in the stout hearts of these hardy adventurers, but like the old guard of Napoleon, in their ruinous retreat from burning Moscow, their courage only increased with the surrounding dangers. It is these men who have borne in triumph through every danger, every difficulty, and every hardship, the free and enlightened principles of republicanism to the far-off shores of the Pacific, and have so nurtured and cherished them that they now spread their benign and genial influence over the oppressed of every clime. It is these men who now stand in this Hall to-day, and ask you, through their Representatives, that, in the name of their past services, by the recollection of their past deeds, and by the remembrance of the present ties that bind them to you, you will save them from being sacrificed and immolated on the selfish altar of these steamboat monopolies.

The California of to-day is far from being the California of 1846; for then she had only twelve thousand beings, save the degraded aborigines;

now she has over a half a million population, and her sea-going tonnage, in and out, is only surpassed by New York, Massachusetts, and Louisiana. Every avenue of her glittering domain is crowded with the sturdy sons of every clime; whilst every State in our Confederacy has furnished her quota. Few may be aware of the number of passengers and the amount of treasure that are annually shipped from the harbor of San Francisco to New York. From information, through a letter and statistics, kindly furnished me by the distinguished collector of the port of New York, I have been able to ascertain nearly the precise amount.

Specie from California imported into New York from January 1, 1856, to December 31, 1857, inclusive.

Date.	Gold.	Silver.	Gold dust.	Total.
1856.				
January..	$3,288,155 70	$3,350 00	-	$3,291,505 70
February,	2,633,581 87	-	-	2,633,581 87
March...	2,749,308 73	5,700 00	-	2,755,008 73
April	1,469,529 47	28,670 00	$780	1,498,979 47
May.....	5,378,204 31	30,680 00	8,000	5,416,884 31
June.....	4,191,906 93	21,517 65	-	4,213,424 58
July.....	3,340,458 00	10,240 00	-	3,350,698 00
August...	2,944,517 86	4,071 00	-	2,948,588 86
Sept.....	3,463,175 85	7,730 00	-	3,470,905 85
October..	3,523,216 33	800 00	748	3,524,764 33
Nov.....	3,583,379 08	400 00	-	3,583,779 08
Dec.....	3,445,726 60	92,381 50	-	3,538,108 10
1857.				
January..	2,417,966 77	19,719 97	-	2,437,686 74
February.	2,390,736 96	27,608 70	-	2,418,345 66
March...	2,147,163 41	3,607 25	-	2,150,770 66
April	2,695,869 84	22,627 70	-	2,718,497 54
May.....	3,387,916 84	8,012 30	-	3,395,929 14
June.....	3,767,889 62	5,354 00	-	3,773,243 62
July.....	2,762,995 29	13,820 00	-	2,776,815 29
August...	1,241,055 11	4,750 00	-	1,245,805 11
Sept.....	1,588,468 66	4,948 50	-	1,593,417 16
October..	1,383,338 71	4,093 75	-	1,387,432 46
Nov.....	4,520,643 20	5,415 50	-	4,526,058 70
Dec.....	4,267,372 81	33,859 91	-	4,301,232 72
				$72,951,363 68

CUSTOM-HOUSE, NEW YORK,
COLLECTOR'S OFFICE, *January* 22, 1858.

SIR: In reply to the inquiries contained in your letter of the 19th instant, I have the honor to submit the following:

The total number of passengers sailed from New York for San Francisco, in steamships, from January 1, 1856, to January 1, 1858, is 20,095. The total number of passengers arrived at this port from California, during same period, is 17,161. The total tonnage of steam vessels running between this port and Aspinwall is 16,747 tons. No treasure has been exported from this port for Aspinwall during the above period. The total amount of specie arrived at this port in steamships from Aspinwall, during same period, is, as per inclosed statement, $72,951,363 68.

I have no means of ascertaining the tonnage of the steam vessels employed in carrying passengers between Panama and San Francisco, but I have no doubt you can obtain that information at the Treasury Department. I shall be happy at all times to furnish you with any additional information you may desire, if in my power.

I am, very respectfully, your obedient servant,
AUGUSTUS SCHELL, *Collector.*

Hon. C. L. SCOTT, *Washington, D. C.*

From this we find that the total number of passengers from New York for San Francisco, from 1st of January 1856, to 1st of January, 1858, is 20,096; the total number arrived at this port from California during the same period, is 17,161; making the aggregate number going to and fro in two years, 37,257. Now, it is reasonable to suppose that one fourth of that number have gone by the way of New Orleans, Charleston, and Havana; which amounts to 9,314; which, being added to 37,257, makes the whole number 46,671, which is annually 23,285 passengers. As regards treasure, $72,951,363 68 has arrived at the port of New York from California; and acknowledging that one fourth or fifth of the above amount has also been shipped by the way of New Orleans, Charleston, and Havana, it amounts to nearly ninety or a hundred million dollars that has been shipped from California in the last two years; and in this calculation we do not include the millions that are brought here by private individuals on their persons.

Now, Mr. Speaker, I may say truly, and without the fear of contradiction, that upwards of fifty million dollars is annually transported from the shores of my State to the Atlantic States; and that nearly twenty-five thousand persons are conveyed over the oceanic route that is traversed by the United States mail steamship and Pacific mail steamship companies semi-monthly.

With these facts before us, does it not become our bounden duty to throw some safeguard, to give some protection, to this mighty interest, both in human life and property—equal to any with which this great Union is prominently and immediately interested in, and directly identified with? I shall not now array before the bar of this House either the United States mail or the Pacific mail steamship companies; but the day is not far distant when, if an opportunity offers, I will certainly avail myself of it, and hold them to a strict accountability for the deep wrongs and injuries which they have already inflicted on my State.

When I reflect upon the loss of that ill-fated ship, the Central America, how deeply impressed I am with the urgent necessity of the passage of this bill. I cannot refrain from paying a passing tribute of respect and reverence to the memory of those who perished on that sad and ever to be remembered day. Courage is indeed a noble quality, and none other elicits stronger admiration. Many have immortalized themselves, and have written their names high on the scroll of fame by their deeds of valor amidst the din and carnage of battle and the roaring and crushing cannon; but the truest, the noblest, the purest courage, is when the soul of man quails not, but looks death calmly in the face solely to maintain a principle or to advocate a right.

You may search the annals of history through, and tell me where you will find a case on record that will compare in heroism and true manly courage to that which was exhibited by those four hundred brave spirits that stood on the sinking deck of the lost ship, the Central America. There, far, far away from the distant land, with the wild, surging, roaring waves dashing against their frail bark, with the dark, gloomy, and lowering storm-clouds casting the somber hue of a mighty pall over them, did these men stand firm and undaunted, resolved to save the weak and terrified women and helpless children. They are gone, gone to that bourne whence no traveler returns; no marble monument marks the spot where they sleep, for

the fathomless depths of the dark caverns of the deep is their grave, and the chilly waters of the restless ocean is their winding sheet. The eternal heaving of the moving waves of the Atlantic chants forth their funeral dirge, whilst the low, whistling, and sad moaning of the ocean winds sings a solemn requiem in honor of their burial. Peace, peace be to the respected and revered dead; for there is not a mother, a wife, a sister, or one who bears the name of woman, who will not drop a tear of sympathy for these noble spirits, who perished in such a holy cause.

They were our countrymen; and as such they have added new and fresh laurels to our national reputation, which each and all of you can appreciate and admire in common; but to me they were bound by stronger and more affectionate ties: they were Californians; and as such a generous State weeps and moans over the loss of her dead, whilst she points with the finger of pride to their noble deeds, and challenges the heroes of every land and every clime to emulate them. God forbid that ever the like should occur again; and it is for you to say to-day whether you will shield and protect such gallant men, by passing laws that will prevent the repetition of such a calamity, or whether these steamboat companies shall have unbridled license to run their steamers, regardless of life. If you adopt the latter course, the day is not far distant when many of you will have to mourn over the untimely end of some relative or dear friend, as I do to-day over the loss of a host of friends.

Mormonism—Increase of the Army.

SPEECH

OF

HON. JOHN THOMPSON, OF NEW YORK.

Delivered in the House of Representatives, January 27, 1858.

Mr. THOMPSON. Mr. Chairman, in the pauses of the storm which the discussion of the Lecompton constitution has raised, and will raise, if ever presented here, into fiercer convulsions, and until which time I shall defer what I may have to say on that topic, I will avail myself of a temporary lull to bring to the consideration of the committee a subject which has not yet been discussed, but to which our attention will probably be directed, even before the affairs of Kansas shall be brought up for action.

For the first time since the organization of this Government, we are called upon to authorize the increase of the Army, ostensibly for the purpose of being employed against the people of one of our Territories. Under the provisions of the Constitution of the United States, article four, section three, new States may be admitted; and Congress has power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." By virtue of this provision, Congress has, from time to time, out of territory acquired by the General Government from the original States, or by cession or purchase from foreign Powers, organized territorial governments, which, after due political tutelage, have applied for admission as States, and been received, to take the rank and privileges belonging to the original thirteen States of the Union. Year after year has the tide of emigration from Europe and the eastern States surged on, and on, tracking the path of the retreating savage; plowing up the pasturage of the wild buffalo; felling the forests; harnessing the waterfall to the wheels of mechanical and manufacturing industry; gemming the landscape with towns, villages, and cities—the abodes of peace, prosperity and refinement. Thus has the forest belt that lay around the original thirteen States been broken; the wigwam has disappeared; and double the number of coequal sovereignties now dwell in fraternal concord beneath the wide dome of the Republic! What was known as the Far West in the days of our boyhood, is now the Far East; and the representatives of millions of men stand beside us on this floor, whose tasteful dwellings have been reared where, within half a century, the war dance of the Indian was celebrated, or the panther of the wilderness made his lair. The valley of the Mississippi has become dotted with the homes of empire, fronting on that Father of Waters—to them as an inland sea and an outlet to the ocean. The trapper retreats to the head-waters of the Missouri, and gathers his spoil from the streams that thread the slopes of the Rocky Mountains. Up to their wooded bases surge the tides of advancing civilization; and beyond and over them breaks the wave, foaming on to the shores of the Pacific. Across vast plains—twelve hundred miles from the Missouri, sentineled by mountain ramparts;—the dry bed of a vast inland sea, with its salt waters sunken to an inconsiderable lake, whose margin sparkles with its twelve crystals, and four thousand two hundred feet above the sea level—lies the central Territory of the Republic—Utah! Ten years ago—a single decade—and not a dwelling dotted that valley; across it wound the rugged road of the trader, the bridle or war path of the Shoshonee and his savage allies or foes. Standing on an eminence of the Wahstach mountains, to the east, their glittering peaks lifting themselves eight thousand feet in the clear, silent air, and fringed far beneath by shaded masses of pine and fir and balsam, appear receding ranges of hills and streams, sparkling like silver threads, and narrow gorges, looking like abysses in the distance; and westward the mountains become lower, and gradually melt away, until a valley, holding in its bosom this lake of salt, spreads out before it. All around on the slopes of the descending hills run even benches, formerly the water levels of the lake, and now used for cultivation or pasturage. At the foot of these rise the mud walls of a city, covering an area of six square miles, the abode of half the people of the Territory, which now holds more than sixty thousand souls! As by a common impulse, they have come together from all parts of the world—from Germany, Sweden, Denmark, Scotland, England, Australia, and the United States. They have become a nation in a day. They have trade, industry, manufacturing and mechanical skill; they have law, government, and a religion. They are a homogeneous people; act by common impulse upon definite and fixed

principles; and, after having applied as a Territory for an organic law in 1850, and been organized in pursuance of its provisions, received a Governor, judges, a marshal, and a district attorney, from Federal appointment; after sending their Delegate to sit in the councils of the nation, they have seen fit to repudiate the paternity and power of the General Government; to break up the Federal courts; to deny all political influence in their councils coming from or through the agency of Federal officers, and fall back upon a theocratic polity that impiously claims the immediate inspiration of the Most High as its source and authority, revealed through His servant and prophet, Brigham Young.

This leader, who rules this people with an unquestioned despotism, through a machinery I shall examine, after temporizing under Mr. Pierce as Governor and Indain agent, has at length grown desperate enough to declare openly his defiance of the General Government; and emboldened by distance and long success, gathered from the supineness of the executive power that had employment nearer home for all its energies, comes out by proclamation declaring military law, usurps all the functions of territorial government in his person, and is training and marshaling his battalions for resistance and encounter. Three thousand brave men—our brothers and our sons—have, in obedience to the executive mandate, crossed the plains and rest in their tents near the mountain passes that girdle that Territory. The wintry snows have not damped their ardor, or cooled their glowing courage; the howl of the savage, impelled to run off their horses and cattle by the stimulus of Mormon craft has not made them irresolute or desponding; the driving tempest and the icy hail rattle upon their canvas covering, but the camp is merry with glee and the martial airs of Columbia echo through the passes and linger on every lip.

Why they were ordered off at a season which compelled this inevitable exposure, contrary to all prudent foresight, and against the advice of wise and experienced councils, lest those who did it explain and justify to the people and the country, if they can. Whether the loud and deep murmurs that began to roll from all parts of the land towards the capitol, condemning the retention of five thousand troops in Kansas Territory, under the pretence of maintaining law and order, and compelling a free people to vote or refrain from voting under the roar of United States artillery, according to settled programme formed at Washington, had the effect of starting forward the enterprise too long delayed, it is impossible accurately to determine. Should the disasters which now threaten our brave men, and which were anticipated by the sagacious in consequence of their long and unnecessary detention and late march, eventually fall upon them; should not Providence defied, and the enemy tempted, be better than our fears or our deserts, they who were instrumental in this dreadful exposure will be held to a strict and exacting account. Men in the plentitude of power, and backed by a dominant party hurrying them on, may for a time defy public opinion; but its edicts are unsparing upon imbecility or crime, and its vengeance sure. Let them remember that! Yes, sir, let them remember it!

Such is the aspect of things at this hour. The General Government has superseded Young as territorial Governor. His successor (Cumming) has issued his proclamation, exhorting the people to lay down their arms and refrain from all disorderly and treasonable projects. The idle wind that sweeps those plains is not more idle and ineffective than these proclamations upon that people. Their imperial priest, despot, and dictator, from his dual throne, as potentate of the Saints and vicegerent of the Almighty, laughs them to scorn. Entrenched behind the material bulwarks of distance and the wall of rock which nature has provided; girded by sterile plains and verdureless hills, and guarded by a blind fanaticism that knows no law beyond his will, and will shed its last drop of blood at his behest, he has become foolhardy by impiety and the unquestioning devotion that encircles him. The wiley craft of the conspirator and the low cunning of the knave have given place to the grasping ambition of the chieftain and the hopeful enthusiasm of the traitor and the prince.

In his plotting brain the time has arrived to cast off the allegiance he swore to this Government, which he once needed to subdue or wheedle the savage, around whom he now believes he has thrown stronger toils. A sway of more than six years, as head of the State and of the Church—wielder at once of the sword of territorial sovereignity and the crozier of spiritual might—has compacted and cemented in his grasp a dominion he is impatient to extend, and will not surrender! Ten thousand swords will leap from their scabbards at his beck; thirty thousand hands of male and female alike, will toil incessantly to sustain his power, linked, as they believe it to be, with their best interests in time and their salvation forever.

What is this moral and political phenomenon that looms up so grandly, and has ripened so soon; defying the forces of the Republic, and attracting the attention of the civilized world.

The President says in his message:

"A territorial government was established for 'Utah by act of Congress, approved the 9th September, 1850, and the Constitution and laws of 'the United States were thereby extended over 'it 'so far as the same, or any provisions thereof, 'may be applicable.' This act provided for the 'appointment by the President, by and with the 'advice and consent of the Senate, of a Governor, 'who was to be *ex officio* superintendent of Indian 'affairs, a secretary, three judges of the supreme 'court, a marshal, and a district attorney. Subse-'quently acts provided for the appointment of the 'officers necessary to extend our land and our In-'dian system over the Territory. Brigham Young 'was appointed the first Governor, on the 20th 'September, 1850, and has held the office ever 'since. Whilst Governor Young has been both 'Governor and Superintendent of Indian Affairs 'throughout this period, he has been, at the same 'time, at the head of the Church called Lat'er Day 'Saints, and professed to govern its members and 'dispose of their property by direct inspiration and 'authority from the Almighty. His power has 'been, therefore, absolute over both Church and 'State.

"The people of Utah, almost exclusively, belong

'to this church, and believing with a fanatical spirit 'that he is Governor of the Territory by Divine 'appointment, they obey his commands as if they 'were direct revelations from Heaven. If, there- 'fore, he chooses that his government shall come 'into collision with the Government of the United 'States, the members of the Mormon church will 'yield implicit obedience to his will. Unfortunately, 'existing facts leave but little doubt that such is 'his determination. Without entering upon a 'minute history of occurrences, it is sufficient to 'say that all the officers of the United States, judi- 'cial and executive, with the single exception of 'two Indian agents, have found it necessary, for 'their own personal safety, to withdraw from the 'Territory, and there no longer remains any go- 'vernment in Utah but the despotism of Brigham 'Young. This being the condition of affairs in the 'Territory, I could not mistake the path of duty. 'As Chief Executive Magistrate, I was bound to 'restore the supremacy of the Constitution and 'laws within its limits. In order to effect this pur- 'pose, I appointed a new Governor and other 'Federal officers for Utah, and sent with them a 'military force for their protection, and to aid as a '*posse comitatus*, in case of need, in the execution 'of the laws.

"With the religious opinions of the Mormons, 'as long as they remained mere opinions, however 'deplorable in themselves and revolting to the 'moral and religious sentiments of all Christendom, 'I had no right to interfere. Actions alone, when 'in violation of the Constitution and laws of the 'United States, become the legitimate subject for 'the jurisdiction of the civil magistrate. My in- 'structions to Governor Cumming have therefore 'been framed in strict accordance with these prin- 'ciples. After their date a hope was indulged that 'no necessity might exist for employing the mili- 'tary in restoring and maintaining the authority 'of the law; but this hope has now vanished. 'Governor Young has, by proclamation, declared 'his determination to maintain his power by force, 'and has already committed acts of hostility against 'the United States. Unless he should retrace his 'steps the Territory of Utah will be in a state of 'open rebellion. He has committed these acts of 'hostility notwithstanding Major Van Vliet, an 'officer of the Army, sent to Utah by the command- 'ing General to purchase provisions for the troops, 'had given him the strongest assurances of the 'peaceful intentions of the Government, and that 'the troops would only be employed as a *posse* '*comitatus* when called on by the civil authority to 'aid in the execution of the laws."

"There is reason to believe that Governor 'Young has long contemplated this result. He 'knows that the continuance of his despotic power 'depends upon the exclusion of all settlers from 'the Territory except those who will acknowledge 'his Divine mission, and implicitly obey his will; 'and that an enlightened public opinion there 'would soon prostrate institutions at war with the 'laws both of God and man. He has, therefore, 'for several years, in order to maintain his inde- 'pendence, been industrously employed in collect- 'ing and fabricating arms and munitions of war, 'and in disciplining the Mormons for military ser- 'vice. As superintendent of Indian affairs, he has 'had an opportunity of tampering with the Indian 'tribes, and exciting their hostile feelings against 'the United States. This, according to our infor- 'mation, he has accomplished in regard to some 'of these tribes, while others have remained true 'to their allegiance, and have communicated his 'intrigues to our Indian agents. He has laid in a 'store of provisions for three years, which, in case 'of necessity, as he informed Major Van Vliet, he 'will conceal, 'and then take to the mountains, 'and bid defiance to all the powers of the Govern- 'ment.'

"A great part of this may be idle boasting; but 'yet no wise Government will lightly estimate the 'efforts which may be inspired by such frenzied 'fanaticism as exists among the Mormons in Utah. 'This is the first rebellion which has existed in our 'Territories; and humanity itself requires that we 'should put it down in such a manner that it shall 'be the last. To trifle with it would be to encourage 'it and to render it formidable. We ought to go 'there with such an imposing force as to convince 'these deluded people that resistance would be in 'vain, and thus spare the effusion of blood. We 'can in this manner best convince them that we 'are their friends, not their enemies. In order to 'accomplish this object it will be necessary, ac- 'cording to the estimate of the War Department, 'to raise four additional regiments; and this I ear- 'nestly recommend to Congress. At the present 'moment of depression in the revenues of the 'country I am sorry to be obliged to recommend 'such a measure; but I feel confident of the sup- 'port of Congress, cost what it may, in suppress- 'ing the insurrection, and in restoring and main- 'taining the sovereignty of the Constitution and 'laws over the Territory of Utah."

Mormonism as a religious system had its origin in a romance, written about the year 1810, by Solomon Spalding, a native of Connecticut, who had been educated for the ministry, but followed a mercantile employment, removed to Cherry Valley, New York, where he amused his leisure hours by weaving into a book entitled by him the "MSS. Found," the notion entertained or suggested by some writers that the American Indians are the descendants of the lost ten tribes of Israel. Hence, he starts them from Palestine, invents for them various fortunes by flood and field, wars, quarrels, turmoils, strifes, separations, until they people this continent, and leave behind them the vestiges of mounds, tumuli, fortifications, sculpture, and cities dilapidated, which are discovered in Northern and Central America. It is written somewhat in Scripture style, and uses the machinery of the Jewish economy throughout. He read his manuscript to various persons who yet remember it, but was not successful in procuring its publication. Somewhere about the year 1823, this manuscript fell into the hands of Jo Smith, a native of Windsor county, Vermont. Smith was about twenty years of age, and already exhibited that singular compound of genius and folly, of cunning and absurdity, of indolence and energy, of craft and earnestness, which distinguished him to the end of his career.

Under the new-light preachers of that day Smith became imbued with all the wild and extravagant notions of seeing sights; hearing voices; receiving revelations; meeting and fighting the devil in bodily form; which indicate a diseased imagina-

tion, and want of all solid instruction and fixed principles on religious subjects. Enthusiasm ran mad through the whole region where he dwelt, and Smith was one of its most brilliant exemplifications; ultimately having a revelation that all existing systems of religion were wrong, and that he should be made the prophet of a new faith. For more than five years he vibrated between his caution and his enthusiasm; giving out, occasionally, dark hints about certain mysterious plates to be dug up by him, containing a new revelation. Part of his time was spent in lying, swindling, and debauchery, and the remainder in visions and repentance; the vulgar habits of the brute contending with the higher functions of the prophet. At length he pretended to dig out the plates from the side of a hill, in Palmyra, Wayne county, New York; placed himself behind a curtain, permitting no one to enter, from which *sanctum* he translated from the plates the book of Mormon to an amanuensis, reading it all from Spalding's manuscript in his possession, one hundred and eighteen pages of it having been stolen by Martin Harris. With this new Koran our modern Mohammed started upon his career.

On the 5th of May, 1829, John the Baptist came back to earth to baptize Smith; and on the 6th of April, 1830, the first church of Latter-Day Saints was organized at Manchester, New York, consisting of four Smiths and two converts out of the family—Pratt, Rigdon, Kimball, and Young, joining afterwards. This Bible, unlike that of the Christian or Musselman, purports to be chiefly historical, and does not enunciate or enforce a system of moral and religious truth in a philosophic or didactic form; all its incidental lessons upon life or manners being derived from current doctrines of this day. It is consequently incapable of comparison with any other extant form of religious faith. One might as well compare the Christian religion with Fenelon's Telemachus, or one of Jame's novels.

"If it be true that the author of the Koran stole 'his materials, yet must a man had greatness and 'elevation of soul to have stolen as he has done. 'If on the rich fields of sacred literature he plun'dered, he plundered like a prince! The spoil 'which he gathered so largely from the Jewish and 'Christian Scriptures, might be likened to that 'with which certain learned and munificent con'querors have graced their triumphs. They have 'indeed trampled upon and overthrown the ancient 'seat of arts and learning; but yet have first 'snatched from the devastations of war, each sig'nal monument of greatness and beauty."

And out of these monuments he constructed an edifice, if of grotesque, yet gorgeous proportions, and blazing with the decorations of oriental splendor; but the materials of the Mormon book, though mostly derived from the same source, are so crazily jumbled together, so inartificially constructed, that if a whirlwind had scattered the leaves of the sacred record, and combined them again with the feats of Baron Munchausen by machinery, it could not have surpassed this production of inanity and folly.

Two things may be remarked upon this Koran of Mormonism. 1st. It does not sanction the central principle of the new faith as now practiced—polgamy: this was the growth of after years. 2d. It does not purport to be a full and complete revelation; indeed, it discloses that twenty-one plates and stones are still buried and undiscovered in the hill "Comorah," in the State of New York. But neither the plates dug up, nor those still unknown prevented Smith from having direct visions and revelations from the Most High; and it is by this instrumentality primarily, and not by any potency in the doctrines embodied among the contemptible literature of the Mormon Bible, that the system has grown into its present magnitude. A very similar organization existed a short time before at Sing Sing, in the State of New York, headed by Matthias Folger, and others, which soon ripened and died out with a disclosure of the vices and selfishness of its founders. There is nothing whatever in the distinctive doctrines or truths of Mormonism which would tend to give it perpetuity. These elements lie in its polity, which was not at first a matured system, but grew up gradually, as circumstances gave it development:

First. An eldership of two and two was organized to preach the new system, consisting principally of violent harangues against all existing forms of religious faith.

Second. An apostleship of twelve, after the model of the early Christian church, with plenary power over inferior orders.

Third. A commission of seventy, now very much enlarged, to go through the world and propagate the new faith.

Fourth. A location for the "new Zion," where, without disturbance from Gentile powers, it could carry out and display its inherent strength, and evince its glory on a scale proportioned to the greatness of its origin and the divine superintendence it commanded.

Fifth. A perpetual and infallible inspiration, through the high priest designated by Heaven, according to whose revelations all the personal, social, domestic, economic, political, military, and religious concerns of the church are to be regulated, in the minutest matter, without hesitation, question, or appeal.

There was an attempt, by Smith, to introduce communism while the Saints were located at Jackson, in Missouri, in 1832; but the principle of *meum* and *tuum* was yet too strong for the immature fanaticism of the early disciples, and the experiment has not been repeated.

This element of spiritual despotism pervades all the several orders, and runs through the entire line of this singular affiliation. It grasps and encompasses every interest, the vast and the minute, public as well as private. No circle is too sacred for its prying censorship and approach! Its thousand eyes gaze upon all the promptings of ambition, all the workings of its industry, all its complainings, discontents, hopes, affections. Through mysterious and hidden conduit pipes flow to the ear of this dictator the secrets of every domicil, the throbbings of every soul; and back, like a thunderclap, comes a revelation that goes crashing on its remorseless way, through heart and home of the disciple, who takes up his staff and flies to fulfill its stern decrees. It is a despotism which combines all the traditional force of Mohammedan absolutism with the shifting policy of Jesuit craft—dominant at once over State and Church, intolerant, exclusive, and fanatical. If "the priest of

superstition rides an ass, and the priest of fanatic sm a tiger," here is a double proof and representation of the fact.

Every convert is a zealot; every zealot a hero! To believe in these ravings and inspirations, reason and history, science and the world's progress, all the morals of Christianity and all the precious boons of civilization are first ignored and repudiated; a blind, bigoted, unreasoning, mindless faith supplants and swallows everyth.ng beside itself; and having laid down its majestic independence and its manhood, and accepted the fetters of a slave, the wilder the rant the sooner it obtains credence. We have deemed, in our complacency, that no wide-spread delusion could roll its turbid waters over the surface of social life in these ends of the nineteenth century; but we wake up to this phenomenon growing under our eyes and at our hearthstones, that involves the reign and rage of certain principles of human nature we had hoped were long ago discarded; that comes raving for its victims in the circle of our religious and political institutions, and by the fascinations of its egregious and impudent imposture, its intemperance, its folly, its blasphemous atrocity, carries them forth to exhibit to our baffled hopes and sickened sensibilities a spectacle of credulity and virulence, such as we had hoped history recorded only for warning, and not imitation!

It discards the fanaticism of the scourge; as penances and personal inflictions are not within its policy, except so far as direct and practical devotion to the interests of the "Saints" demand individual sacrifices. It passes by the fanaticism of the brand; its lust is not that of cruelty, and its jaws do not yet reek in blood. Its common hatred has not yet risen to an immortal abhorrence, nor its wrath swelled to execration. Fear and policy, and no inherent virtue of the system, have restrained this manifestation of its nature; for if all external pressure was removed, and the gleam of American bayonets did not glitter before the Mormon eye, it would persecute instead of curse, and exterminate Gentile contumacy where it had failed to convert. But it grasps with a lusty arm the fanaticism of the banner!

Clad in the sacerdotal ropes of the priest, over which are drawn the vestments of the soldier, this u scrupulous and traitorous warrior-ecclesiastic rings out the blended war-cry of the chieftain with the imperial edict of the Pope! From the sacred seclusion of the cloister, he emerges with mailed glove and plumed helmet. The will of the Almighty comes from his mouth, and His direst wrath foams on his hissing lip. "To your tents, O Israel! defiance is safety! to crouch is to die! strike at once for your homes, your altars, your wifes, and your little ones!!" This appeal finds an echo in every heart. He covers his designs under the pretext of a religious persecution. Gog and Magog are coming up against the Saints! Patriotism, national pride, calculations of policy, motives of ambition, resentment at foreign interference, the revenge of detected hypocrisy, all mingle in profound excitement, to give it the character of a religious war!

But let me not blend the elements of its polity with the web of its historical development. One or two points more of the former, and I will then turn to the latter—its practical workings being only the outgrowth of its inner spirit. It is unlike either that *fanaticism* of the Papacy, that swept Europe of its brave chivalry, in the crusades, and poured its best blood on the Syrian sands, to redeem and sanctify the cradle of its faith, or that fanaticism of Mohammedanism, which leaped into the saddle, and flashing its cimetar in the sun bade the nations bow to the crescent; its battle cry being: "There is no God but God, and Mohammed is his prophet!" Each of these was invasive, aggressive, and acted independently of the political structures existing among the people they inflamed, and with which they did not meddle; but this is defensive, secluded, intense, because driven in upon itself. It blends in one the polity of State and Church, in imitation of the Hebrew theocracy, and spends its missionary zeal in proclaiming through every clime that God has come down to men; that a millennium on earth has opened; that within its peaceful walls care and sorrow and pain are no more; that a brotherhood of love and concord is established, where, surrounded by all that can gratify the taste and please the senses, the wicked cease from troubling and the weary are at rest. This earnest, enthusiastic proclamation and promise is one of the grand agencies of its success—the secret of its marvelous enlargement.

What wonder that the down-trodden, famishing masses from Wales, Scotland, Sweden, Germany, France, and all parts of the other world, without education, without moral instruction, are caught by the picture, and start in troops for this earthly Paradise? What marvel that eager crowds begrimed with the soot of the dark mine, or pale from the faintness of the heated factory—what marvel that the victims of an ecclesiastical system, that is known only by its oppressions; and taxes and tithes, while it fails to bless or enlighten—what marvel that they crowd round the earnest man in the thronged marts of the continent, or on the corners of the rural hamlets of England, and drink in his words, blazing with his own enthusiasm, as he paints the earthly glories of the God-defended Eden of the West, which sparkles to the eye of faith in the distance, the embodiment of all excellence that the imagination ever painted? And then comes in the aid of "organized emigration;" in vast communities, with the order and precision of an army, they set their faces resolutely for their new home; and along every avenue, from the Atlantic and Pacific alike, in winter and in summer, toil on with a dogged energy, that in itself is morally sublime. Sixty thousand souls at least own the sway of this occidental hierarchy. Men and women of low intelligence, burning zeal, simple habits; but guided and governed in all their affairs by this inspired priesthood—a priesthood constituted mainly of the Yankee element, as to nationality—an element, in this case, of canting, calculating hypocrisy, which first inquires whether it will pay; and, secondly, whether it promises power; and, thirdly, whether it imposes any limitation upon license and lust; and having satisfactorily settled these profound questions of the pocket and the flesh, with the cool devilitry of an ordinary speculation, places itself in the priesthood council and eldership; leers about from its high seat in the sanctuary for beautiful inmates of its harem, and stimulates its palled appetites by new victims, as often as exhausted passion loaths the worn and wasted forms that cease

to amuse or please, where the heart is never touched, and woman is so degraded and defiled.

Sir, are the leaders—the master-minds of this fanaticism sincere? Smith was more hypocrite than enthusiast. His whole story of the origin of his bible was a lie; and, knowing that, he could not be sincere.

Nor do I entertain a higher respect for Young, or Kimball, or Pratt, or the other leading spirits who sustain them. Power and polgamy hold them there, and not a man of American birth and education would remain any longer than he could help it, if permanently deprived of both of these luxuries.

I need not argue before a Christian people this question of polgamy. If all the Abrahams and Solomons of the Old Testament practiced it, it is no less devilish and damnable. As long as the Almighty preserves by births and deaths the average equality of the sexes, what right has one man to thirty wives, any more than one woman to thirty husbands? thus defrauding twenty-nine in the social body of their rights. As long as the human heart demands and responds to a congenial and equal sympathy in the opposite sex; as long as man is capable of honor, or woman of love, so long will this licentious system which degrades her into a plaything of idle dalliance, or a breeding animal for children—every element of self-respect, every ray of sentiment, every upspringing impulse of her bleeding and bursting heart crushed out of her; her sense of equality, her queenly pride as wife and mother, her sacred place at the board and the hearthstone, gone, lost, sunken, in the shameless contentment of herding in droves like swine, beneath the roof of a creature who regards her as at once menial, mistress, and slave; so long will nature protest, with all the force of its outraged sensibilities, against this horrid desecration.

To *argue* such a question is to insult the mother that bore us, despise the home of our boyhood, and the virtues that refine and exalt the society in which we live. In a word, when we reflect that the primitive institution of marriage limited it to one man and one woman; that this institution was adhered to by Noah and his sons, amidst the degeneracy of the age in which they lived, and in spite of the examples of polgamy which the accursed race of Cain had introduced—when we consider how very few, comparatively speaking, the examples of this practice were among the faithful—how much it brought its own punishment with it, and how dubious and equivocal those passages are in which it appears to have the sanction of the Divine approbation; when, to these reflections we add another, respecting the limited views and temporary nature of the more ancient dispensations and institutions of religion—how often the imperfections, and even vices, of the patriarchs and people of God, in old times, are recorded, without the express notification of their criminality—how much is said to be *commanded*, which our reverence for the holiness of God and his law will only suffer us to suppose were, for wise ends, *permitted*—how frequently the messengers of God adapted themselves to the genius of the people to whom they were sent, and the circumstances of the times in which they lived—above all, when we consider the purity, equity, and benevolence of the Christian law; the explicit declarations of our Lord and his apostle, St. Paul, respecting the institution of marriage, its design and limitation—when we reflect, too, on the testimony of the most ancient Fathers, who could not possibly be ignorant of the general and common practice of the Apostolic Church—and, finally, when to these considerations we add those which are founded on justice to the female sex, and all the regulations of domestic economy and national policy—we must wholly condemn the revival of polgamy.

Sir, the common law, as well as the law of nature, deems it a great crime. The municipal law of every State in Christendom has made it a felony; and the wretch who, in the immunity of territorial distance and ecclesiastical protection, will practice it, is worthy of the felon's character, and should receive the felon's doom.

And then this *sealing process*—a mystery of abominations that no devil not first brutalized could have invented. As a consequence of its polygamous intercourse, divorces are granted freely at the parties's option, and woman goes through the process of legal transference from ane master to another, as the authorities may determine, many marrying five or six times, and their husbands all living—the whole invention being hardly a vail for promiscious intercourse.

The history of this fanaticism is soon told. The church was organized in 1830. In August, 1831, they commenced a settlement at Independence, Jackson county, Missouri—revealed to Smith as the site of the "New Jerusalem." Smith wavered long between this place and Kirlland, Ohio, where, in 1833, they commenced building their first temple, which was finished in 1836, at a cost of about fifty thousand dollars. In 1839, they relaid the foundations of their temple in Missouri. They left this region again for Nauvoo, in Illinois, where another temple was soon erected. Jo Smith's life and labors ended together in Carthage jail, where, on the 27th of June, 1844, he was shot by a gang of border ruffians.

And here endeth the first lesson, in the decease of the first saint of Mormonism by martyrdom. "The blood of the martyrs is the seed of the Church;" and it proved true of this, not less than of other causes. From a plotter, trickster, and buffoon, Smith ascended the ladder, and in the apothesis became a saint and protecting divinity. Faith could now see in him qualities which sight would have contradicted.

And while the heaving mass was surging to and fro, and looking for direction, Brigham Young steps forward upon the scene. With consummate tact and a master hand he seized upon the reins of authority. This modern Elisha drew upon his shoulders the falling mantle of his master, and with a will that never wavers, and an eloquence of action and tongue that masters, subdues, and overwhelms, he sways the mass before him as with the stroke of an enchanter's wand.

Illinois spews them out; Missouri rejects them. Smith had aspired to the presidency, and the Saints wielded a banded political influence on which no party could count, and which could at any time turn the scale in a contest between them. Dissensions grew up, blood was shed in bitter broils; and as the land become too straight and their numbers increased, in 1845 they turned their eyes westward—to Vancouver's Island, to Texas,

to California, and finally to a valley in the Rocky Mountains. In 1848, as the young grass was peering from the sod and the buds were bursting into flowers, in the month of May, the exodus commenced. Pioneers having gone before, across the Mississippi they pass, and away over prairie and plain, men and women, flocks and herds—the heavy wain drawn by the lowing cattle—the patient tramp of feet, great and small—filing along the long line of fifteen hundred miles to a land naked as it came from the hand of its Maker; it was the heroism of faith! How sad that it had no worthier end!

From that day Young has reigned supreme, and thousands and tens of thousands have flocked to his standard. The unsettled religious sentiment of the lower grades of mind gravitate there. It is the Botany Bay of the world! There it stands rampant and defying. Its hand on its sword-hilt and its eye flashing fire; a Territory and not a Territory!—a Republic in embryo!—a despotism consummate, wearing the show of popular approval and bending willingly to the nod of a tyrant. There it stands—it is before you in your path to the Pacific—it will not away at your bidding; a huge, ugly, stubborn fact, which no ignorance can disregard and no political fatuity despise.

What will you do with it? Will you turn despot and saber sixty thousand souls because they believe in Brigham Young and polygamy? Will you meet the fanaticism of folly and fraud by the fanaticism of extermination? Will you make the city a desert and the region a howling wilderness on the one hand; or, will you suffer this moral cancer, inflaming political treason, to grow on untouched until it becomes too vast to handle? Will you permit an independent and defiant despotism, organized in the very heart of this continent, and embracing the vilest and most intractable elements of which a community can be composed, to compact and strengthen its defences, to train its battallions, to call home its forces, and light a fire at your threshold which all the forces of the Republic cannot subdue?

What will you do with Utah? Will you retrace your steps, and in defiance of the principle of the Kansas-Nebraska act, legislate polygamy out of the Territory, and so declare, and not leave them free to form and regulate their domestic institutions in their own way? Will you repeal the territorial act which they have practically nullified; annex it to adjoining States or Territories, and let them deal with this sin to the family, and this treason to the State? What will you do? As an individual, I will say what I would do: There is no way of avoiding peril; but in the face of ten thousand Kansas-Nebraska acts, and all the false principles they embody, I would pass a law making polygamy a crime in the Territories, and then send a force sufficient to scatter every harem to the four winds. If it be objected that an *ex post facto* law cannot reach past evils, this may be true; yet the offence has been committed in defiance of the common law and moral sentiment of the civilized world, and should receive no favor. In any event, such a law would stay the tide, and the sore would slough off in one generation.

Secondly. I would send an army there sufficient to apprehend Young and all his co-conspirators against the authority of the General Government—who will be found to include every lord of the seraglio—try them for treason, and hang every one, without distinction, who should be found guilty; excluding every Mormon from any participation in the legal processes of the court.

Thirdly. I would secure to the inhabitants a republican form of government, and see that they enjoyed their freedom without the heel of a despot, spiritual or temporal, on their necks; and I would wait patiently to see the results; and if all thus failed, I would turn that city into a camp—a vast military depot, to guard and protect the highway to the Pacific.

There is but one question more. When and how shall it be done?

When? I answer now, without delay. This religious fanaticism has now assumed the form of a civil polity, and this civil polity is anti-republican and despotic; and this despotism has committed overt treason against the Government of the United States. The authority of every Federal officer is denied, or a reign of terror instituted over all their acts. War is proclaimed in fact. Forces are levied and trained for action. Slaughter is threatened. Our troops are defied, our courts closed, our officers insulted; the savages incited to plunder and ravage. Peaceful citizens, with their wives and little ones pursuing the path of emigration, are surprised and murdered in scores, with not a straggler left to tell the tale, their mangled corpses, or white skeletons, bleaching in the sun, disclosing the horrid tragedy. If anything is to be done not a moment should be lost. Every day strengthens its forces and compacts its power. Its agencies are hurrying home as fast as steam and money can speed them.

I know some think we should let them alone, and that the system must soon fall to pieces. But how long has Mohammedanism lasted! How much less reliable is the fanaticism of to-day than that of ten centuries ago. What element of this structure gives signs of impotence or decay? What limb of this hale giant is already smitten with moral paralysis, and gives tokens that its energies are spent, or even wearied? Sir, we have let them alone; and from a contemptible handful, they have grown into a nation! The citizens of Illinois and Missouri could eject them without aid; but now they stand behind a wall of ten thousand bayonets, and dare you to the encounter. The unorganized fanaticism of the world gravitates to Utah, and there it is molded into armies. Eight-tenths at least of these elements are foreign, uneducated by and unaccustomed to our institutions, with no love for democracy, and no reverence for national law; restless masses, impatient of restraint, and fraternizing only on the lust of license and the hope of power.

If it might not be deemed too fanciful, I would suggest a historical parallel in that of the fanatical Jew who rebelled against the Roman *power*, and brought Titus Vespasian to raze his city and temple, and level with the dust every vestige of his power, and every monument of his ancestral glory—a rebellion in which the fanaticism of the religious and military sentiments were equally brought into combination. Sir, this is not a religious war; a persecution for conscience sake, any more than was that. As well may the Thugs of India protest their religious principles in justi-

fication of assassination! Suppose the devotees in Utah adopt treason as an item of their religious creed; will such a baptism give them immunity for conscience sake? By no means.

But gentlemen fear the great cost of this war! They look round upon an empty Treasury and an accumulating debt; upon $6,000,000 unpaid for the Oregon war; upon unknown sums for the California campaign, to be ascertained and adjusted! They look upon commerce prostrate, manufacturing industry paralyzed, and the avenues of business closed by symptoms of derangement and distrust; our sources of national income diminished by decreasing imports, and by limited sales of the public lands. They see a system of wasteful expenditure organized in every governmental department; they discover that $100 000,000 per annum will be needed to keep us from bankruptcy; and they are appalled at the prospect of running the State into financial ruin, by an expensive intestine war!

I admit the truthfulness of the picture, in all its aggravations. But some matters are above money; there are crises in the life of a nation, when, whatever her financial burdens, she must incur heavier; when her integrity and honor, her prestige, her existence, are all at stake; when to calculate is folly, to hesitate is to perish. Did General Washington hesitate and temporize and count the cost, when a part of Pennsylvania rebelled on the whisky tax? No, sir; he sent fifteen thousand men into the field, and this promptitude, energy, manliness, itself quelled the storm, without shedding a drop of blood? The Saints of Utah may be as wise as the whisky dealers of the land of Penn, if they find the Government are equally in earnest. If they choose to risk a battle, I trust it will be such a battle as has not been seen on this continent—overwhelming, decisive, complete; such as our brave Army will fight, even if fanaticism provokes to feats of superhuman valor.

Let those who must bear the responsibility of the war determine mainly how it shall be waged, and what shall be the amount and character of its appointments—whether the additional force shall be that of volunteers, to which opinion I incline, or an increase of the regular Army—whether it shall approach from the east or the west—whether it shall employ horse or foot. But let them not have to say to the nation that a formidable rebellion has ripened, and is rioting unchecked among us, and we refuse the agencies to counteract or destroy it. I hope this may not become a party question—a shuttlecock for political partisanship to hurl to and fro. Let us deal with it as if we felt a common danger, and were only anxious to cope with and overthrow it. While I leave myself free to vote as I shall deem best upon all details, I stand committed, for one, to give my voice and vote to stay the march of this prairie fire; to fight it out at once, before it involves our homes and ourselves in the ruin of its spreading conflagration.

WASHINGTON, D. C.
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1858.

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SPEECH

OF

HON. WILLIAM J. SHAW,

ON THE NECESSITY OF IMMEDIATE

CONSTITUTIONAL REFORM,

DELIVERED IN THE

SENATE OF CALIFORNIA, FEB. 7, 1856.

SACRAMENTO:
PRINTED AT THE OFFICE OF THE DEMOCRATIC STATE JOURNAL.
1856

SPEECH

OF

HON. WILLIAM J. SHAW.

The bill recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State, having been made the special order of the day, and being under consideration, Mr. Shaw addressed the Senate as follows:

Great Evils Exist.

Mr. President—If the heavens, which all may see, could be made as a pure mirror to image forth and reflect back upon us, true and vivid delineations of all our public affairs which transpire beneath, we might then be able to see (what we do not now appear to realize) the true public condition of this country. We might then see the citizens of whole towns, and sometimes whole counties, acting in open resistance and defiance of the laws, and executing by their own natural power, the impassioned and dreadful vengeance of outraged communities. We might then see criminals fleeing for safety to the officers of justice, and seeking protection in the very jaws of judicial punishment. We might then see swindlers, thieves, murderers, praying for the strict supremacy and enforcement of our laws, and the people trampling upon them, and themselves committing most dangerous offenses, in order that punishment might be certain to follow crime. We might then see officials squandering and often even retaining as their own, the very money of the people who elevate them to power, not because they have any right to do so, but because the laws have not thrown the same minute safeguards around the acts of officials as it would around the acts of villains, or men who are not honest at all, but honest merely according to law. We might then see schemes of speculation, gigantic in magnitude, and disreputable and unjust in design and effect, instigated by villainy, and remotely sustained and encouraged, if not actually engaged in, by judicial corruption, or, what is equally fatal to the public, through judicial prejudice, or illegal assumptions.

I do not appeal only to the fancies of Senators, for none of us can pretend that the reality of these scenes have not sometimes actually existed. Indeed, the picture of our public confusion and disorder, stands here before us all! It is as wide and extensive as the limits of our State. None of us can raise our eyes without seeing it! Nor is it possible for any of us to shut our eyes against it! But of all the scenes it presents, perhaps the most sad and painful, is the apparent indifference of our public men to the absolute necessity, of an immediate and thorough reformation in this government. Indeed, if such an administration of law as we have hitherto endured is to be continued, how much longer is it supposed the people can endure the imposition? If there be not a complete and entire reform in our judicial and local governments, how much longer is it supposed the people can remain obedient to them, at the expense of public justice, public morality, and public order. If our existing Constitution is not adapted to the condition and wants of our people, what infatuation should lead us to remain indifferent to its revision. If the laws in all directions of the country are disobeyed or openly set at defiance by whole communities, what right have we to assert that such disobedience is but the willful act of the people, without excuse or necessity? Sir, who are we but a *few* of the people? Who are we, that we should assume to be wiser and better than all other assemblies of the people? Who are we, that we should expect the people to be mindful of us and the laws we adopt, whilst we continue to applaud and act under a Constitution, which the existing population has never approved, and which is not at all adapted to our public condition, or even the actual

necessities of our people? Indeed, unless the officers of the people can be induced to devote sufficient attention to our public affairs, to ascertain and remove the true causes of our public corruption, folly, and imbecility, what must inevitably, and ere many years, become our general public condition? What expectations need we indulge, of ever enjoying the advantages of public order? How are we to secure an elevated, happy, and law abiding citizenship? In what way are we to attain a sound and interested public opinion, based upon public morality, the first and most indispensable requisite of good government? What hope need we indulge of ever enjoying an administration of justice untainted with corruption, and pure beyond suspicion? And when are we to commence, and how are we to insure the education and moral training of our youth, and our young men, on whom ere many years, the whole care and conduct of this government, must descend?

Sir, our citizens openly, publicly, and frequently speak of the existing government of this State, with contempt and derision. And, what is worthy of our attention, their expressions of abuse are seldom, if ever, met by any attempt to defend the government, or with any popular indications that their bi terest abuse, is either unjust or undeserved. The existing government does aot seem to possess the affections of the people. It does not recommend itself to their willing support, or hearty encouragement. The complaints against it are not confined to men whose private affairs induce them to speak from personal interest, or mere individual wrongs. But they are almost universal among the people, and they have been constantly manifested and continually on the increase for years past. The press itself teems with them, and has continued to do so until the public mind has become wrought up to fever heat, by the constant details of facts proving the shiftlessness of this government. Indeed, the press is alive and unceasing, in pointing out the evils and outrages which our State is continually suffering, under the pretence of government. Upon the whole, the press is doing its duty nobly. And it may justly and truly be regarded at this time. as the chief ornament of this State, the noblest institution we now possess. Indeed, God only knows, what darkness and ruin would soon fall upon this country, were it not for the light daily sent among our people by the press.

To quote the testimony of the press on the subject of our public abuses and bad government, would occupy days, and fill volumes, for I do not know of a newspaper in the State which does not, in almost every number, contain some evidence of the public feelings and sentiments of the people on this subject; or some facts clearly indicating what those feelings and sentiments must be. And all tend to establish the fact beyond cavil and controversy, that we are most wretchedly governed.—We can judge of the general tone of the press, from the following brief extracts from the editorial columns of the neutral, and political press, published at different times within a recent period A leading neutral press says, in relation to the judiciary:

"One thing is certain, and that is, that the ingenuity, or villainy, or laxity of many to whom the deople have entrusted their own protection against the vicious and lawless. has so often allowed the guilty to escape, that very little confidence in courts, and those who compose them, remains in the public mind."

A leading Democratic journal declared that,

"In the interior (of this State) it is getting to be a matter of grave doubt, whether the people live under the laws of California, or the precepts of Judge Lynch."

Still more recently, and since the beginning of the present session, one of the leading newspapers of the party now dominant in the Legislature, uses the following language in regard to the branch of the government to which we now belong:

"California has been cursed, yea, damned by legislation, till it stinks in the nostrils of the people, like the stenches which arise from the Dead Sea. It has been the Dead Sea's fruit to them—ashes. She will no more of it."

To quote from the news press at length, would be an unnecessary consumption of time, for I believe, the opinion that we are badly governed, is absolutely universal amongst the press, which but reflects calmly, and in the cool expressions of composition, the more intense feelings of the popular mind, on this subject. So universal, at all events, is this opinion, that not one press can be found, and so far as I have ever heard, not even one citizen, to seriously contend that this State is well, or even tolerably well governed.

The conclusion, then, is undeniable, indeed, we, ourselves, all know it to be correct, that public justice, is not properly administered, nor public order properly maintained in this State.

The Causes of our Public Evils.

Sir, the existence of such serious and radical evils being admitted, what honest man can deny that it is our duty, at whatever sacrifice of partizan policy, or individual gains, to diligently inquire, until we ascertain their true seat, and cause; and then, to devote our earnest attention to the remedy, which we honestly believe best calculated to afford relief.

Now, in the first place, it is very apparent that the evils to which we have alluded, are not owing to any want of intelligence or respectability on the part of our population; for it cannot be denied that the great majority of our citizens are intelligent and respectable men, and the sincere lovers of justice and good order. In fact, sir, there probably never was in any country or under any government of equal population, so many good hearted, brave,

energetic, intelligent, enterprising and justice-loving men, as are found among the citizens of this State. For my part, sir, I do not believe that any state in the history of the world, was ever before enabled to commence its career with so splendid a population. Examine them in dozens or in masses, and nine times in ten the attentive observer will find it impossible to withhold his admiration of the splendid men who compose the great majority of our citizenship. Indeed, sir, they are in a great degree the picked men of their nation.—And whoever in his secret thoughts attributes any thing of our bad government to the real badness of our people, must be either the worst of observers or totally ignorant of their characters, and their intelligence.

In the next place, our difficulties can not be owing to any want of funds to carry on the government; for there is certainly not another government in the whole Union which has been so profuse as this in its allowance to officials. In fact all the millions of dollars which havebeen paid and insured in its civil expenditures have gone almost exclusively to the payment of officials alone.

In the next place, the cause of our bad government is not to be accounted for by reference to our common and State laws, as many seem to suppose. The common law, as we all know, was expressly adopted by the Legislature in 1850 and all its advantages have been as completely open to our enjoyment in this as in any other State. And as for our statute laws, even conceding that they are all bad, (which is an idea so prevalent that I will not undertake to controvert it,) still this does not account for our public evils. It is one of the very evils themselves of which we complain. It does not account for our bad government, it is merely one of its results. It does not constitute the cause or our evils, for the cause of such evils must be looked for elsewhere than in the evils themselves. It does not account for, nor explain the reasons why, our evils exist; it is simply one of the very things of which we complain,and it is not the evil itself which we wish to investigate, but its cause. In fact, however, with few important exceptions our laws are in the main, very much the same as the laws of other States. And a great deal of the abuse which has been heaped upon our statutes, may be found on careful investigation to be more richly deserved in other quarters.

Nor can we fairly attribute our public evils to a want of patriotism or willingness on the part of our people to serve this country with integrity and probity; for it is not at all improbable that the great majority of them are actually more sincere and earnest in their anxiety for complete justice to every one, than is common to the citizenship of any other State. Indeed, this very anxiety induces them upon every occasion, to seek justice in the shortest and most direct way, and even at the expense of the more steady rules of law.

Our being ruled here by bad men, or those who are indifferent to all considerations except those merely appertaining to themselves, and the gratification of their senseless vanity, or evil vices, is owing, it seems to me, to the very plan and system of our government, which certainly encourages and in some instances offers direct inducements for such inflictions. It certainly does not prove that the people themselves are corrupt, or that there are any less number of honest men here than elsewhere.—But any one who would arrive at correct conclusions concerning the evils of a government, certainly would not confine his attention to the bad conduct of the individuals who hold office under it, but rather to the plans upon which their offices must be organized. And instead of seeking for relief against official misconduct by merely abusing or changing the officials, his first duty would undoubtedly be to reform the offices themselves, under which such conduct could be with impunity committed.—It was once said, or written, by Mr. Burke, that "our natural disposition leads *all* our inquiries rather to p rsons than to things. And where there is an abuse of office, the first thing that occurs in heat is to censure the officer.—but this prejudice is to be corrected by mature thinking. and it is necessary in all matters of public complaint, where men frequently feel right and argue wrong, to separate prejudice from reason, and to be very sure in attempting the redress of a grievance. that we hit upon its real seat and its true nature."

Now, we find that if we cannot be "very sure" of the real seat and true nature of our grievances, we can at least be very sure that they are not owing to any intellectual and moral defects in the majority of our citizenship; nor to their real want of patriotism and attachment to this country, nor to the deficiencies or badness of our common and statute laws. We are therefore led on, by the natural course of reasoning, to go beyond all these, and search deeper for the real seat and the true nature of our public evils.

It is, perhaps, apparent to every one, who has been at all industrious in examining the different politics which mankind has adopted at different times, and in different countries, that as a general rule, nations never prosper nor attain greatness, until their people respectively enjoy such governments as are best adapted to their own temper and condition. No one can doubt that the constitution of California, with all its excellent provisions and fine and liberal appearance on paper, would not be likely to accomplish or maintain public order in Russia, or any other like country, although it should be assented to by its inhabitants, and they should elect numberless officials under it, with high salaries, and it should be proclaimed and respected by them,as their constitution or basis of government. Our nearest national neighbor, the Republic of Mexico, affords us a good illustration of the idea which

I wish to convey. The government of that Republic was, as we all know, first modeled after our own; and, perhaps, no government could be desired more liberal and complete—on paper. But it has never secured a good government for Mexico, and perhaps never will, at all events not as long as it remains Mexican.

The habits, religion, disposition, education, (or, rather, want of education,) of that people are all different from ours. Consequently it is not reasonable to suppose they require the same polity; or that the constitution of any American State, however perfectly suited to the State adopting it, would be there any thing better than a mere paper government. For, leaving the difference in the inhabitants out of view, there are probably closer resemblances between some of the American States and some of the Mexican States, than there are between this State and the State of Iowa. And yet we find ourselves struggling and floundering under the same kind of blunder which we condemn in the Mexicans; because we are vainly endeavoring to govern ourselves, not under a constitution of our own, or one adapted to our own extraordinary and peculiar position, but under the constitution of the remote State of Iowa. The constitutional convention, suddenly called here in 1849, as we are all aware, appointed but one committee to make a constitution, which consisted of twenty members, a sufficient number to control the action of the convention. On the very next morning after the appointment of that committee, it reported, through its chairman, one entire article of the constitution, consisting of sixteen sections. One of the prominent and most intelligent members of that convention declared, at the time, that the balance of its members, after deducting the committee, "were completely emasculated." What object, said he, addressing the convention, what object is there in our sitting here? "Simply to form a quorum, to enable the great committee to make a constitution."

After being less than thirty days in a convention of only 48 persons in all, and having acted upon the different parts of the Constitution in written manuscripts, without its even having been printed, so that the few men present might examine it for themselves, the whole instrument was adopted, whilst many of the members, as I am well assured, actually had but very imperfect ideas of what it contained. It was afterwards printed and sent forth to the busy, and just arriving people of this vast empire, to be examined and voted ted for by them, in a single month from its first publication. And on the same day it was to be voted for, there were two members of Congress to be elected under it, and also a host of State officers with salaries and daily allowances ranging from sixteen dollars a day, to ten thousand dollars per annum. I do not complain of all this, for as to the printing, they had no press to print with, and as to the haste, it was undoubtedly thought just and wise at the time, especially by men who were burning for office. But the result shows how little attention the people were able to bestow upon it. There were unquestionably thousands of citizens in the country at the time, who never even heard of the convention, until its labors were concluded and its constitution proclaimed. I know I did not for one, and, was at the time in a considerable settlement, now the town of Shasta. In my opinion there were actually more citizens here at the time who knew nothing about the constitution until after it was adopted, than there were of those who were able to obtain a sight of it, and attend the few polls which were held for its adoption. It is at all events, certain, that if the statistics published by our first delegation in Congress can be relied upon as even approximating the then actual number of our citizens, the constitution was not voted for by one quarter of the legal voters, at that very time in the State. According to the statistics alluded to, which were probably not exagerated, our population the first day of January, 1850, only forty eight days after the adoption of the constitution, was a little over one hundred and seven thousand, including seventy-six thousand Americans. The constitution received only twelve thousand and sixty-one votes in its favor, and over eight hundred votes were polled against it.

Slavery and a Division of the State.

If it had not been for the great anxiety of our people to cut off at once and forever, all hopes of introducing the corroding and incurable disease of slavery into this country, it is not improbable that the adoption of the constitution at that time, would have received an open, and possibly a successful, opposition. Its gross defects, particulaly in its judiciary, were not only very apparent at the time, but great numbers of our people, and, in my opinion, a majority of those who intended to remain in the country and did not seek office, were decidedly in favor of our proceeding under a territorial government, until our population should become settled, and our condition and necessities understood. But the hateful question of slavery urged on the immediate organization of a free State. And our present population and future generations, may well look with leniency and every possible indulgence upon the defects of our first constitution, since it accomplished for us, and for them, the great blessing of being relieved forever, from the misfortunes and contentions generated by human slavery. Indeed, everlasting honor is due to the members of the convention of 1849, and especially to those from the southern States, for the course which they took upon that question. Out of the thirty-six Americans in that convention from the Atlantic States, seventeen

of them were from slave States, and yet slavery was *forever* excluded from this country, by the *unanimous* vote of the convention. However lightly those of our one idea citizens may be esteemed, who are still anxious for the introduction of slavery into this State, or ome part of it, yet the one act alluded to should be sufficient to convince us all, that if not a majority, at all events a very great proportion of our fellow citizens from slave-holding States, are sufficiently well informed to know, that negro slavery is a public evil, wherever its existence is not indispensably necessary to the prosperity of a State; and they are sufficiently democratic to cheerfully obey the wishes of the overwhelming majority of our people, upon that now obsolete idea, in California. Indeed sir, I know that there are many of them, and I see some of them here now, who have too profound an affection and admiration for the *whole* of their great and glorious country, not to think and feel, that it is an honor to be born on any portion of American soil, and more glorious and noble, to be an American, than to be the more citizen of any one portion of America, North or South. I hope therefore, that no one will be intimidated or driven from the support of this Bill, through fear of the narrow one-idea influence, of any portion of our fellow-citizens.

Sir, if men are still to be found in this country who think that slavery is necessary, to insure the greatness of States like this, they know too little of history to be statesmen; and too much of indolence and selfishness, to be truly patriotic. And should any be found willing to inflict such a misfortune upon this country, to gratify individuals in some other country, and preserve the political bugbear which esteems it necessary to have no more free than slave States, (which I call a bugbear, because the contrary has nearly always existed,) they would certainly prove themselves to be too thoroughly the enemies of this State, and the devotees of some other States, to be able to accomplish their designs.

In fact, whatever may have been thought in years past, there is now no possible chance to introduce slavery, upon the soil of California. The policy of the State has now become settled in regard to this subject, and I do not believe that any men of influence can be found, who would attempt to disturb it, against the well known wishes of the people. With at least six-sevenths of our entire population against it, the idea that our people would elect delegates to a Convention who were in favor of introducing it, is certainly preposterous.

We all know, with absolute moral certainty, that a Constitution providing for the introduction of slavery here, or neglecting to provide against it, would excite the almost universal opposition of the people of this State. Indeed, an attempt to introduce slavery into the Constitution of the great State of Ohio, would be practically no more vain and senseless, than would be a similar attempt in California.—Every one admits this; no one pretends to deny it. Now, as for the plan which has been held up as a "Southern scheme," of dividing the State, and making its southern portion a slave State, it is, in the first place probably prohibited by the express terms of the Constitution of the United States. The language of that instrument (which every true American reveres, and none but traitors attempt to resist and fri ter away) is perhaps too plain upon that subject to admit of any doubt, or require the slightest comment or explanation. It is in the third section of the fourth article, and in these words: "But no new State shall be formed or erected within the jurisdiction of any other State." It is proper to observe that this clause of the Conststution, as published in "Story's Commentaries on the Constitution," is entirely erroneous, and connects it with the next succeeding clause, in a manner which would seem to be unwarranted by the Constitution, and calculated to introduce some confusion, or misapprehension into the whole sentence.

It is evident that the great and learned author, for some reason, did not deem it necessary to give particular attention to the clause just read, and probably did not refer in this instance, to a correct edition of the Constitution; because, he does not comment particularly upon the clause quoted. He comments on the first clause of the sentence, as a distinct subject from the latter, and cuts it off from the second and third, by a full pause or period. Whereas, the first clause of the sentence is, perhaps, not more independent of the third and last clause, than is the second. The book called "The Constitution," by Hickey, which contains an exact transcript of the original in the archives of the government, by the true punctuation of the sentences, exposes the error alluded to.

When other States shall have been formed around us, we may then be sliced up "if the *Legislatures* of the *States* convened" agree to it, and the Congress of the United States also agrees to it, but not otherwise. This country just now, perhaps, suffers enough political burdens with one State government, without attempting to support two. And if we go into the business of making States, merely for the purpose of increasing idle or selfish men's chances for office, or the purpose of increasing our influence in Congress, it seems to me such objects could be better accomplished, by creating seventeen or twenty States at once. We have territory enough for the purpose, and we have equal power and authority to do that, as to create but two States. And in that way, still greater numbers of our people might be induced to dispense with useful industry, and seek for a living by an office. But even then, we would be still in a minority in Congress,

and our influence would not necessarily be a controlling one.

As for abandoning a portion of our people and territory, and throwing them off to organize under a territorial government, any attempt to do so, perhaps, would be as much out of the way of a convention called to revise our Constitution, as it would be out of the way of a town meeting, or a convention called to nominate officers for a political party, or any other convention assembled for an object completely disconnected from the subject of acquiring new territory, or throwing away any part of that which we already lawfully possess. A convention called to revise and change the Constitution of the State of California, would surely not be authorized to form a Constitution for some other State, nor for a new State to be composed, for example, of the Counties of Sacramento and Siskiyou. And yet such a convention would act with the same propriety and attention to the business before it, by forming a Constitution to apply only to the two counties named and excluding the remainder of the State, as it would by forming a Constitution to apply only to those two and the intervening counties, or to any other fraction or part of the State only. A State is not a part of a State. Any portion of California would not be California. And it is irrational to suppose that our people would elect men to revise and reform their Constitution, who would not confine themselves to the business with which the people have entrusted them. I am not discussing what men *could* do in such a convention. They would not be the officers of any government, nor responsible to any government. Of course they *could* do whatever they pleased. They could provide that all our inhabitants should reside in our town, or leave the country, or cut each other's throats. But people who reason about what men *could* do, or suffer themselves to be governed by such considerations, are certainly not governed by reason, but only by their fears.

When the limits of a State or nation like California, are once fixed by undisputed authority, they remain thereafter as though they had been settled and established for all time. They are not afterward to be affected by any change or reform of its government. They have nothing whatever to do with the subject of revising and changing its Constitutions. They need never again be mentioned or alluded to in its Constitutions, or its laws. They have been fixed and are presumed to be known and recognized by all mankind. All states, nations and governments, in being, see and know them, and must forever acknowledge and respect them. They are a serious matter. And it would be a gross assumption of power, a thing unheard of, and without any justification or excuse, for a Convention elected to revise and amend or change the Constitution of our State, to attempt to do something else, and change the State itself instead of its Constitution only. Sir, no portion of our territory, not an inch of the soil of our State, can ever hereafter be severed or taken from us, *under the existing order of things*, except by the force of some superior power, or by compact between this and some other State or States, approved, of by the Congress of the United States. And the mode of doing that is prescribed by the fundamental law of the Union, and that mode is by our *Legislature*, not by our votes for or against a Constitution, nor by any conduct of a constitutional convention. Indeed, a convention would not, properly, have anything at all to do with that question, nor would they have any right whatever to meddle with it. It could never properly come before them, nor be comprehended in any branch or part of their business. There would be no more propriety in their attempting to exclude any portion of the territory of their State, than there would be in their attempting to annex new territory to it. And instead of attempting to make two or more States by cutting up our own, they would be engaged in a business not at all more foreign from their proper duties, by insanely attempting to annex Oregon and Utah.

But in the next place even if a new State or a new territory were actually formed out of a portion of our State, it could not be inflicted with slavery, because there is not the least question or doubt in the minds of any body, that an overwhelming majority of our people in either section of the State are sincerely and uncompromisingly opposed to its introduction. And whoever lives in this State—and thinks our people are either indifferent or inattentive to that subject, must be ignorant indeed. If it were otherwise, I frankly admit, I would not urge the passage of this bill. For God knows, I would not be instrumental in adding any new public evils to those which already nearly overwhelm us. But I feel perfectly satisfied that no one can now show any solid grounds for the slightest apprehensions on this subject. The extreme caution which has been hitherto exercised was wise, perhaps; at all events, it has been completely successful in removing all further danger of slavery in California. And now, if we are to wait any longer for fear of the trifling influence of some few persons, who are not yet convinced that slavery would do more harm than good here, then how long are we to wait? Must be until the next year? It will take longer than that now. Indeed, with the utmost dispatch we can reasonably exercise, it will take a length of time equal to one third of the whole period of our existence as a State, before we can possibly get a new Constitution, even if we pass the bill immediately. Under the antiquated provisions of our Constitution on the subject of its revision and change, two years are requisite to accomplish that object. And if the new constitutional amendment be adopted, which provides for

biennial sessions of the Legislature, it may then take us yet four or five years to accomplish so desirable an object, unless we pass this bill during the present session. Therefore, it seems to me, that any longer delay would be actual injustice to the country. For if the welfare of our people really requires a revision and change of our Constitution, there certainly ought to be no further unnecessary delay in accomplishing the first steps to that end, that is, to receive the advice and ascertain the wishes of the people, as to whether they desire such revision and change or not. I now beg leave to return to the argument, and endeavor to show that the welfare of this State absolutely demands, that such revision and change be made.

Objections to the Constitution.—Those of Omission.

A distinguished English statesman wrote, many years ago, "It is an undertaking of some delicacy to examine into the cause of public disorders. If a man happens not to succeed in such an inquiry, he will be thought weak and visionary; if he touches the true grievance, there is danger that he may come near to persons of weight and consequence, who will rather be exasperated at the discovery of their errors, than thankful for the opportunity of correcting them. If he should be obliged to blame the favorites of the people, he will be considered as the tool of power; if he censures those in power he will be looked upon as an instrument of faction. But in all exertions of duty, something is to be hazarded. I am not one of those who think that the people are never in the wrong. They have been so frequently, both in other countries and in this.—But I do say, that in all disputes, between them and their rulers, the presumption is, at least upon a part, in favor of the people.—*Where popular discontents have been very prevalent it may well be affirmed and supported, that there has been*, generally, *something found amiss in th* CONSTITUTION, or in the conduct of GOVERNMENT. The people have no interest in disorder. When they do wrong. it is their error, not their crime. But with the governing part of the State, it is far otherwise. They may certainly act ill by design, as well as by mistake."

Sir, if such views were correct in a monarchial country, they will certainly not be disputed in this.

The reason why California requires a constitution of her own, and cannot prosper under the constitution of Iowa, or any other remote country, ought, perhaps, to be sufficiently apparent in the very nature of things. The habits of our people, their main business pursuits, their frequent want of permanency in particular neighborhoods, and their prevailing temperaments and passions for the "largest liberty," and for arriving straight at justice, renders the very organization of society here quite different from that of either, or any of the other States. And it must be recollected that free governments are not able to rule the people, but only to govern them, as they consent to be governed. And just so far as a free constitution disregards their necessities, just so far it will be wrong, and prove more injurious than beneficial. The location or position of our State is also very materially different from every other in the Union. We are entirely isolated and almost completely removed beyond the influence of all the other States.—Practically and in effect, we are more completely removed from all intercourse with the other States of the Union, than though we were situated upon the continent of Europe.

And our State itself is not more completely different from France, Prussia, or Turkey, than it is from any of the ordinary agricultural States on the eastern slope of this continent.

In fact, in consequence of the almost criminal conduct of Congress, in neglecting to establish an overland military railroad, we are still left here more completely and effectually cut off from all intercourse with the other States of our country, than though we inhabited the territory of France or of Norway. And so far from our being an inland and merely agricultural State, like Iowa, we actually occupy a new world in the commercial history of mankind.

We first discover, then, that there is a general and sweeping objection to our Constitution, which is a radical defect, but not peculiar to any one part of it. It consists in its serious want of adaptation to the actual condition of our people. In its being narrow and merely imitative, and not reaching out to meet the new and extraordinary state of things which exists here. In its imposing no greater restaaints upon officials than though all our citizens had been born upon this sail, were attacked to no other State or country, and could not possibly be found here in great numbers perfectly regardless of the welfare of the State, and desiring and intending no other objects by their visits, than such as tako Englishmen into India. However proper our constitutional organization of offices and qualifications for fillsng them, may have been in 1849, experience has taught us that they ought, to be changed and made more stringent; that they ought, in fact, to be surrounded by constitutional checks, which would be unusual, and, perhaps, unnecessary in the eaitern States.

In the next place, to go into particular objections, the constitution it is actually dumb on the all-important subject of finance. There are properly no financial regulations at all. in this whole constitution. The regulation of funds, the borrowing from one fund and squandering in another; in one word, the entire financial system in the State is left to be regulated as each session of the Legislature may see fit, or to be managed without any obligatory regulations at all. The importance of proper constitutional regulations upon this subject

tre almost incalculable. They are self evident no every one. They would prevent the Legislature from doing what it pleases with the public money and resources.

How so important a subject come to be so entirely neglected by the convention of 1849, it is actually difficult to account for in any other way, than by reference the constitution of Iowa, where precisely the same defect is disclosed. The importance of constitutional regulations upon this subject are so great, that their proper establishment alone would more than compensate the country for all the expenses of a constitutional convention.

In the next place, the constitution imposes no limit whatever, to the sums of money which the Legislature may allow to its own members, to its officers and clerks, and to any and all officials under the government. In regard to the Legislative expenses alone, there is at least more than $100,000 annually expended without any necessity therefor. There was expended last year in one item alone, (that of clerks and officers of the two Houses) more than $70,000 uselessly. And there are other leakages which are really enormous, and completely useless.

And a still greater abuse has been permitted under this defect through the local, city, and county officers through the State. Under the guise of fees for services, permission has been given by law in numerous instances, to extort enormous sums of money for the mere performance of the most simple and ordinary official duties. And thus the very *laws* have enticed men into idleness, and induced them to seek fortunes or support by office, and not by honest industry, And have excited and encouraged men to hazard their whole fortunes upon elections, and to degrade and polute, as far as the power of money can do so, the very alters of the government. And all this, not that the country might receive some advantage, but merely that the successful individuals may enjoy the privilege of enforcing the most ungodly extortions from the people.

Sir, under the theory of a free government, office is designed to be the performance of a public obligation, imposed by duty and patriotism. But in California, the laws have rendered the pursuit of office a branch of business; men live by it, and speculate upon it, make its chances of success the rule of their party fidelity, and sometimes encourage the most dangerous and infamous outrages upon the rights of the entire country, in order to secure it.—This is not the fault of the people, but of the government which permits such pernicious inducements to be offered for the political corruption of society, and holds out no inducements whatever, to patriotism and political fidelity, but basely and injuriously offers all the rewards of the country to those only who are successful in merely gaining some office, rendering the very servants of the government greater than its masters.

In the next place, the constitution does not restrain the Legislature from disposing of the entire public domain and property of the State, at such time and in such way and manner as it sees fit, without requiring the previous consultation, advice or consent of the people, to whom it belongs. Nor does it expressly prohibit the Legislature from funding or otherwise forcing the people to pay demands or claims against the State and its lesser communities, illegally or unconstitutionally contracted; thus opening the door to the most momentous frauds, and introducing a general feeling of trifling and mere gambling with the rights and property of the people.

In the next place, it does not prevent nor even restrain the passsage of laws of a purely private and local, or individual character. Whereby, probably more than one half of the time and expense of the sessions of the Legislature, have been usually consumed with the affairs of some few mere private individuals. This is against the economy, dignity, and objects, of a great national government, such as we here require; and is also wholly unnecessary, because such affairs could be transacted in other ways with equal justice to individual rights, and greater advantage to the true interests of all local communities.

In the next place, it makes no provision for separate Senatorial and Assembly districts; whereby every member of the Legislature would be made the immediate, and special agent of some one particular locality Every neighborhood containing a certain number of inhabitants, would be directly and specifically represented. And every locality in the State would be more directly present in the Legislature, though an agent immediately and solely responsible to his particular district, and more likely to be personally well-known to its electors, and directly identified with their interests. At present, the members from the more populous counties, control the action of the Legislature, whilst they are elected from whole counties at large, and there is no exclusive individual responsibility amongst any of them. They are not separately, but only collectively, the representatives of their counties. Owing to their numbers and general election, they represent no place nor interest particulaly, but their whole county or district in a lump. A majority of all the members of this Senate are elected in only six districts. It is not in human nature to feel under such circumstances the same individual responsibility which would otherwise result. And besides, all portions of counties and districts are equally entitled to, and ought always to be allowed the equal privilege of their one representation. Indeed, the election of members of the Legislature from the State at large, could be maintained by about the same course of reasoning, and with about the same justice, as their election at large in the few enormous counties, and districts of the State. The most direct, per-

sonal responsibility of political agents, like any other agents, is undoubtedly the best way to insure their fidelity to those who appoint them. And it seems to me that the plan suggested, which has worked to admiration in some of the other states, ought especially to be adopted in this. But under this Iowa Constitution, the Legislature is expressly prohibited from establishing any Senatorial or Assembly districts of less dimensions than a whole county, no matter how vast or populous the county may be. And several of our counties are larger than whole States on the Atlantic Coast.

In the next place our constitution, still closely following its remote original, prohibits our Legislature from ever being composed of more than eighty members in the Assembly, and half that number in the Senate. The limitation in Iowa is actually very nearly as large. We are forever prohibited by this constitution, from having upwards of twelve more members in our whole Legislature, than is allowed in Iowa. The policy of allowing a large representation in the legislative bodies of free States, is a matter which has given rise to so many various opinions, that I will not here discuss it, lest I merely excite the opposition of members. But it does seem to me, no one can reasonably doubt, that our representation in California cannot long remain constitutionally limited to so small a number without actual injustice The other House of the Legistature is already full. Not one additional member can ever be allowed there until this constitution is changed. And whole counties already exist here without even one representative in the Assembly. The proper rule of representation is, not the dispatch of business, but to have the whole people and every portion of the country, fully and fairly represented The dispatch of business is important, but it is infinitely more important to have a full and fair representation of the people, than to merely afford facilities for the dispatch of business at their expense. And instead of the number being as small as practicable, it seems to me, it ought to be as large as practicable. Certain it is, that the greater the number, the greater the security against bad, hasty, and unpopular measures of legislation. In a word, sir, I do not understand why California, with its armies of speculators, its immense resources, its vast limits, and the newness and strangeness of its general population, should be limited relatively to the smallest and most insignificant representation of any State in the Union. Political hypocrites and unthinking men, might possibly prate about the expense, were it not for the well known fact, that our entire representation could be actually doubled to-day, without the least necessity for any increase at all in the public expenses.

In the next place our constitution makes no provision for the certain and prompt punishment, of official bad conduct, in judicial and other State officers. No candid person will deny that all attempts here to punish officials by impeachment, as required by this constitution, are morally certain to interrupt and retard the public business, and to greatly increase the public expenses, without being at all well calculated to accomplish the purposes intended. It may be possible that I am in error in relation to this objection; but I am wholly unable to discover either the necessity or justice of releasing all the officers named in the constitution, from punishment for official misconduct, except by the monarchical, aristocratic and expensive mode of impeachment. Why should so much anti-republican ceremony be gone through with in order to punish a general State Attorney, or Surveyor, or a District Judge?—There are other officers in the country of equal dignity and greater responsibility, whose occupants are allowed, by the same constitution, to "be tried for misdemeanor in office, in such manner as the Legislrture may provide." The fact that they are State officers, or nominally so, does not by any means prove that no more convenient, efficient, and satisfactory mode could be adopted, for inquiring into, and if necessary punishing them, for their bad behavior in office. Besides it is unequal and unjust. It favors the office of a Judge more than that of a legislator. The office of a Judge is in no sense so important and responsible as the office of a legislator. The latter is authorized to make the law, whilst the former can only apply the law, as he finds it, to given cases. And whenever he does otherwise, except when the law is unconstitutional, provision ought to be made for his immediate trial, and if necessary, prompt removal from office. The decision of a Judge that a law is unconstitutional, ought not to be conclusive upon the people in all cases, because it amounts to nothing more than deciding or expressing the opinion of a few persons, authoritatively, that a law passed by the representatives of the people, is in conflict with a law passed by the people themselves.

Now, under a wise provision of the constitution, nearly all members of the Legislature, at least all of one branch of it, and one half of the other, are virtually tried for their official conduct, once every year. But Judges, although inferior officers in point of fact, are treated as superiors. And, by vicious custom and erroneous habits of thinking, we maintain a state of things which associates with mere Judges, and actually almost completely surrenders into their hands, the very rights of Justice itself, of which they are properly, the mere servants, the absolute slaves.

We have just had occasion to observe that the only way to insure, or reasonably anticipate, good conduct in any mere officials, is to bring them into an immediate, quick, and sure responsibility, some where, for every official act which they perform. And no one who will exercise his reason, will require an argument to prove, that official responsibility ought

to be complete and expeditious in respect to judges as any other officers in the State. The mode of doing this need not be to the public at large, but there need be no difficulty in devising a plan more satisfactory than the present, which practically exempts judges from nearly all responsibility whatever. The clothing of judges with an official importance beyond other mortals, has certainly no sound arguments to support it, and it may be questioned whether it does not lead to the very abuses which it is designed, if there be any design in it, to prevent.

Why should we continue under a Constitution which permits Judges to act without any direct and imminent responsibility. In ages past the Judges of England exercised the powers now being boldly exercised by the judicial power of California. They made laws upon the bench whenever, in their opinion, it was best so to do. But all the English Judges combined, could not decide cases without the right of appeal from their decisions, to the upper branch of the legislative power, the House of Lords. And besides, the monarchial and aristocratic government under which they held power, the confused and uncertain state of the laws, the want of judicial decisions to guide them, and the profound ignorance and political vassalage of the English people, at the time, afforded some excuse, and rendered such practices tolerable, if not advantageous. But what excuse is there for continuing a system which, if it does not encouarge, at least permits the same thing to be done here, at this age of the world, in this free and universally enlightened country? If the administration of justice was lame, blind, uncertain, whilst such judicial acts were required or tolerated, in England, what reason, what propriety, what justice, what necessity, is there, for the same blind, lame, and uncertain administration of justice at this time and in this free State? No such practices are any longer tolerated, even in England, and besides these there is the right of appeal. Are we to progress in every other branch of government and remain stationary or go backwards, in the modes of administering justice? Of what are our courts constituted, that they are entitled to such immense privileges, without any direct practical responsibility to any one, or any appeal from their vacillating decisions? Who are our Judges, that they alone know justice,—that they alone are wiser than all other courts, and all other individuals? What would they be were they off the bench? What were they previous to ascending it, but inferiors to hundreds of your citizens? Has the bench changed them?

Do cushioned chairs, and scarlet curtains so change the character of the poor humanity, which they support and shelter? Are we fools, that we should give up to names, what belongs to things; and take that for wiseom and learning which may be only the sublimity of vanity? Are we rational freemen, and still willing to continue a constitution which gives the department authorized to administer the laws, the power to change them with practical impunity? We all know that our judges are practically exempt from punishment. Scarcely any offence short of crime itself, would be sufficient to insure their condemnation and removal from office. A majority of this Senate, acting in concurrence with the Assembly, possess vast power in other respects, but when it comes to try some mere individual who has got elected to the office of Judge, a State Attorney, or Surveyor, we are not to be trusted to the same extent as though we were conuring in a law inflicting a death penalty If some mere official is to be tried we are to be distrusted and suspected, and not less than two-thirds must agree upon the punishment or none can be inflicted. In the Supreme Court two men being a bare majority of three, may condemn a man to death, or deprive him of his property, or his liberty, but here in this numerous body of more than ten times the number, a majority is not to be trusted when acting as a court, Indeed, the cumbersome and anti-republican mode of impeachment, as it now constitutionally exists, affords no adequate and efficient redress for this State against judicial abuses

It may work well enough for the aristocracy in the monarch of England, where it originated. But I know of no reason or necessity for its continuance, (at least in its present form) in the constitution of California. Its adoption in the constitution of the United States nearly seventy years ago, and in other constitutions since, gives it weight, but does not prove conclusively that it can never be improved upon, in its application to officials in California.

But, sir, why should I continue to detain the Senate by pointing out defects in our constitution which all sound thinkers whether officials or their superiors, must admit to be full of defects? All those to which direct allusion has already been made, are, with a single exception, only a few of the defects of omission, which would readily occur to any one. An attempt to recite all the defects of comission, all the errors actually contained in the constitution, would not be necessary to my purpose, and would occupy more of the time of the Senate than there is occasion for. All I desire is, to prove to the satisfaction of members, that a revision and change of our constitution is necessary, and that if we really care anything for the welfare of this country, we will no longer delay the first step necessary to its accomplishment.

The measures which a constitutional convention ought to pass, and the kind of constitution which would be best suited to the country, are matters which do not really belong to us to determine, and which do not require any expression on our part in order to support and pass the bill under consideration. I do not, therefore, propose here to discuss, or even al-

lude to them, unless in a few instances and in general terms.

Sir, perhaps no really intelligent man, and not even the members of the constitutional convention of 1849, so far as I am informed, pretend that experience has not discovered many vital defects in our constitution. Indeed two thirds of the members of the last session of this body admitted such defects, and attempted to provide a remedy for a few of them by the slow, expensive, and most unsatisfactory mode of piece meal amendments. And here I beg leave to digress a moment, in order to point out a few of the objections to such a mode of amending a constitution, which contains errors throughout the whole of it, and in nearly every article. In fact the errors in the constitution itself, not referring to its omissions, may, perhaps, be justly and fairly indicated as follows: In the first article, two sections erroneous; in the second article, one section erroneous; in the third article, containing but one section, even that erroneous, in admitting of a false interpretation; in the fourth article, twelve sections erroneous; in the fifth article, two sections erroneous; in the sixth article, eleven out of the eighteen sections, erroneous. The seventh article is concerning the militia; the eighth concerning State debts; and the ninth concerning education, and they contain but eight sections altogether. The tenth article is one-half erroneous; in the eleventh article, five sections erroneous; the twelfth article consists of but one section establishing the State boundary; the last article, or schedule, contains sixteen sections, of which thirteen are now obsolete, (being merely temporary provisions for the adoption of the constitution, &c.,) and one of the remainder erroneous. I do not pretend to say that all will agree to this enumeration, (I merely give my own opinion, as to that.) But I believe any candid man, who is competent to judge, and has carefully examined the constitution, will admit that there are relatively, at least as many objections to it as are indicated.

Now, in the first place on the score of economy, (which, at best, is no argument in favor of legislative amendments, but only raises a question of policy,) it would actually cost the State more to make the required amendments by piece-meal, through the Legislature, than by calling a constitutional convention and having done with it at once. The members of a constitutional convention ought not to receive over three or four dollars a day. And the expenses of a convention need not exceed one-half or one-third the cost of each session of the Legislature. Indeed, in my opinion, $60,000 ought to cover the whole expense. And, by a proper constitutional reform, at least three times the necessary cost of a convention could be saved every year, estimating the cost at $100,000. The first constitional amendments which have ever yet been gotten through the Legislature, and which are still pending in this, its seventh session, and must be again passed here before they can be entrusted to the votes of the people, have probably already cost the State not less than $18,000 or $20,000 for the mere advertising alone, which the constitution in such cases requires. And considering the time of the Legislature occupied in their passage, and the public time which must be again consumed and paid for, in getting them passed at this session, their actual public cost, in all, cannot, perhaps, be fairly estimated with certainty at less than $25,000 or $30,000, or about one half of the whole necessary expense of a constitutional convention.

And all this delay has elapsed, and this amount of public money been already expended, for what? Why, sir, for three prominent amendments to the constitution. The first providing that persons elected to the Legislature shall hold their offices for just double the time at present allowed by law. The second contains an antiquated and objectionable feature in providing for the revision of the constitution. And the third provides that the oath of office shall require the officer to make oath that he has not fought a duel. Now, except the provision in the second amendment, requiring every constitutional convention to submit the constitution it may adopt to the people for their ratification, (which may be a wise provision, since there are many who seem to think it necessary,) but, except this, what individual can fail to regard these amendments as among the insignificant, and not among the most necessary? For one, I cannot discover that they are at all well calculated, or even designed, to relieve the public grievances, or accomplish any actual improvement in our government. Increasing the time of State residence from one to two years all will doubtless approve, but I allude only to the other features of the amendments. As for the first of these proposed amendments, ostensibly providing for biennial sessions of the Legislature, it might be a wise provision in an old country where its legislation had long been careful, and all its laws reduced to a system, and all its courts content to follow in the beaten paths of jurisprudence worn by the steady course of justice for ages past. Or it might be wise among the honest and good hearted people of inland and agricultural States. But in a country situated as this is at the present time, with a constitution not otherwise adapted to, nor harmonizing with such an interpolation in its provisions, it is certainly questionable whether these provisions for biennial sessions of our Legislature are not actually well calculated to do more harm than good. I admit that the right of the Assembly to impeach, and of the Senate to try the impeachment of State officers, under a two-third rule, is practically of no great effect. But I do not see why even

this slight check against official bad conduct should be entirely removed, which will certainly be the case, to all intents and purposes, if this amendment be adopted in its present form, and be strictly observed. It does seem to me that at least the semblance of some punishment for bad conduct in State officers should be preserved, until some other way can be provided for the punishment of official offenses. Our existing government is not so planned that the Legislature has no duty to perform but the passage of laws. The constitution expressly imposes other duties upon the Legislature, some of which may render it actually unwise to postpone its meetings to only once in two years, without any provision having been made for the performance of such duties in any other way except through both Houses of the Legislature.

The Constitution is founded upon the theory that the Assembly, whenever nece-sary, will inquire into the conduct of the State officers, and if justice seems to require it, will indict them, or any of them, for official bad conduct, and that the Senate will then perform the high judicial duty of trying and passing judgment upon such indictments. The whole body of our State judicial and executive officers, and some other State officers, can never be tried in any other manner whatever for any official negligence or bad conduct they may chose to be guilty of. Indeed, one of the very reasons why the sessions of the Legislature are required, by the Constitution, to be held annually, is, in order that it may sit at least as often as once a year, as a sort of grand inquest upon the conduct of the other departments of the government, as well as for the passage and amendment of laws. These amendments which are now proposed, provide for the election of the members of the Legislature on the first Wednesday of September, 1857, the Assemblymen for two, and Senators for four years. This will bring their sessions, only at such times as the new Governor and all the executive officers of the government receive power and enter upon the duties of their office. Consequently, whatever mischiefs they might ever be disposed to commit, would not be reached even with an impeachment, until after the term of their offices had actually expired. And the condition of the country could remain wholly unknown in the interim; for even the Governor is not required to communicate the condition of the State, except to the Legislature, in session. And the subordinate executive officers, or any of them, could, with impunity, refuse to repor to the Governor, when there would be no redress except by calling an extra session. I do not desire to discuss this question here, because I am merely doing so for a different purpose than to oppose biennial sessions of the Legislature. I do not oppose them upon principle, but I am endeavoring to prove that we must have a general reform before their introduction will certainly or necessarily afford us any relief whatever, or be certain not to actually prove injurious instead of beneficial. Was there no occasion for the meeting of this present session of the Legislature? There was a session only last year, and has been one every year. What good are we certain to accomplish, and what evil may we possibly commit, by simply postponing the sessions of the Legislature, without making such other reforms and changes in the Constitution as are required, if you propose to introduce biennial sessions of the Legislature? Our public condition is generally thought bad enough now to last from one year to another. Are we certain, that it will become more tolerable, by prolonging the times of its endurance, or merely attempting to lengthen the periods between its inflictions? Indeed, the adoption of the amendment, as it now stands, would afford no security against annual sessions. There is nothing to prevent the Legislature from continuing in session as long as they please during one year, and adjourning their session over to the next year. Judging from our past experience, there would be but little difficulty in leaving our public affairs in such a state, as to require annual sessions of the Legislature as now. And the same experience ought, perhaps, to teach us that such a result may be actually anticipated. It has proved to be the case in some of the other States where biennial sessions of the Legislature have been attempted, and I know of no good reason for supposing it may not be done here. And if this should prove to be the case, the only effect of this amendment would be to double the term of office of every member of the Legislature to twice its present length. And, sir, if biennial sessions could be wisely interpolated into the present Constitution at all, what was the actual necessity of requiring members to hold their offices for two and four years? Would it not have been better to have provided for the election of all of them every two years? Does true wisdom dictate or public policy require, that legislators must hold their offices and remain independent of the people, for such a greatly increased length of time, in California? But, sir, I see no evidence of statesmanship, or even of good judgment, in supposing that our difficulties must necessarily be lessened, in proportion to the length of time which shall intervene between the sessions of our Legislature. If I did I would certainly be in favor of their meeting only once in a century. It certainly seems to me more rational, to conclude that it is the system itself, which ought to be amended, and the power to do evil at all, which ought to be removed or lessened, and not the mere times of legislative sittings, which require to be regulated.

There is another objection to it, which shows how little care has been bestowed upon so great a subject as amending the Constitution.

That there was any design in it, I cannot and do not believe. But it is morally certain that if this provision for biennial sessions should pass at this session of the Legislature, and be ratified by the people, the result will be, not biennial sessions of the Legislature, but simply and only a doubling of the length of time for its members to hold office. The amendment requires the Legislature to hold a session in 1857, and biennially thereafter, "unless the Governor of the State shall, in the interim, convene the Legislature by proclamation." Now, in 1857, the Constitution requires a Governor to be elected. The returns of the election of Governor in that year are expressly required by the Constitution, "to be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature." And in case there should chance to be a tie vote between two candidates for that office having the highest number of votes, it would then be the duty of the Legislature to elect a Governor. This would render it unquestionably the duty of the Governor, to convene the Legislature in 1858, and again each alternate two years; and this proposed amendment introducing biennial sessions would compel it to meet each of the other alternate years. Hence annual sessions will be as necessary under the Constitution, after the adoption of this amendment, as they are now. So much for constitutional "reforms" by the Legislature.

Now, sir, those who really think that our public evils are owing to the fact that the Legislature meets once a year, instead of once in two years, and that the offices of its members ought to be in duration to two and four years, ought to be required to prove the correctness of their ideas, by good argument, and sound reasons, before they ask the people to adopt what is, to all appearance, a mere innovation upon the existing Constitution, and well calculated to increase, rather than diminish, its powers for evil.

The second leading amendment proposed by the Legislature seems only intended to require a Constitutional Convention to submit the constitution it might agree upon, to the people for their adoption or rejection, and not at once proclaim it to be the Constitution, without submitting it to the people at all. The amendment so far as that object is concerned, can do no harm; although it can only be deemed necessary by those who can bring their minds to believe that any such monstrous usurpation would be attempted by any constitutional convention, composed of American citizens. But the objection to it to which I wish to call the attention of the Senate is this, that it proposes to continue the antiquated and anti-republican principle of requiring a vote of two-thirds of the members of each House, before a law can be passed allowing the people even the right to vote upon the question, as to whether they wish a constitutional convention or not.

For my part I do not understand how we can be sincere in our attachment to democratic principles, and at the same time deem it necessary to repose so little confidence in the people. I can discover no objections to permitting our citizens to vote for or against calling a constitutional convention, whenever a majority, of the members of each House of the Legislature, should think it necessary to submit such a question to their consideration.—In this particular our constitution has strangely departed from that of Iowa, and many if not all, the recent constitutions in the Eastern States. In former times, when legislators and other like office holders, were really apt to be more intelligent than the general run of people, their assumed superiority was not without some show of reason. But now, when the weight of worth and intelligence is always out of office and not in it, I see no necessity for so providing against constitutional reforms, that about one third of the members, in either House, can forever prevent them. The third and last amendment proposed by the Legislature, after four years since they first began to give their attention to the subject, is the provision making officials swear they have not fought a duel. It is a thing well enough in itself, but how is it calculated to relieve us from bad government? Of course we all know, it has nothing whatever to do with the government. It is a mere provision for the more effectual suppression of a certain crime, which has been rendered fashionable. Now ought we to require any further attempts at constitution making, by the Legislature, before we will even consent to "think" that a convention is necessary for that purpose? But in addition to the experience which this example affords us of this system of constitution-making by the Legislature, there are other and perhaps more weighty and conclusive objections, to our assuming the task of a constitutional convention.

The legitimate duties of the members of the Legislature will not admit of sufficient time or preparation, for the proper discussion and consideration of numerous constitutional amendments. No legislators, however able, can possibly bring their minds to the subject, with the same capacity and success, as though they had no other business to engage their attention.—Men whose minds are occupied with the thousand and one matters which constantly engage the attention of legislators, cannot be reasonably expected to discharge the duties of a constitutional convention, with justice to themselves, or to a subject of such profound importance to the whole people of the country. And besides this, they are not elected for any such purpose, nor are they authorized or even permitted by the constitution, to as-

same any such undertaking, It would be, unquestionably, against the spirit, and, in my opinion, against the express language of the constitution. It is clearly inconsistent with ordinary human conduct, to expect any one branch or department of a government, to be the best calculated to wisely and thoroughly reform itself, and all the other departments of the same government. Undoubtedly our constitution never intended to impose such a duty upon the Legislature. The provision for amending the constitution through legislative recommendation, applies only to *amendments*, and cannot by any fair or just construction be made to apply to any general change or amendment of the entire constitution, but only such amendments as are casual. Whenever the members of the Legislature, or the requisite majority of them, "think," that a revision and change of the whole constitution is required, the constitution expressly directs that it be done by a convention, and declares that they shall submit the question of calling a convention, to the electors at the next succeeding general election, And when we do think that such a revision and change is necessary, I do not understand, how we can be expected to disregard our oaths, and attempt the task ourselves.

For my part I conscientiously and sincerely "think it is necessary to revise and change the entire constitution," and therefore neither the advise of friends, nor any other considerations whatever, ought to or shall, deter me from the hearty support of the measure now before the Senate. And I sincerely trust that not even one man will be found in either branch of the Legislature, who does not also *think* that such a revision and change ought to be made. For I am well aware, that there is not one to be found, who is any less anxious than I am, to perform his duties faithfully, to this country.— And it is my firm and sincere conviction, that there is no one act so necessary to its welfare, as an immediate and thorough constitutional reform.

I will now renew the argument and endeavor to show still other and more conclusive reasons, why every man in these halls, ought to feel the same conviction of its necessity. Allusion has already been made to a few entirely new provisions, some of which all will admit, the constitution ought to contain. Many other new provisions might be suggested, some of which might be thought more important than any which have been mentioned. But it would perhaps be necessary to discuss them at length, in order to render their necessity apparent, and I shall therefore not refer to them; but proceed at once to suggest some of the important defects which the constitution now contains. And I will endeavor to confine my allusions to those only, which have been found objectionable by actual experience, and those which I hope all will admit to be so, without any serious differences of opinion, For I am only anxious to make such suggestions as have, undoubtedly, occurred to every member of this body. God knows, that I have no feeling in this matter except to do my duty, and no wishes in regard to it, except such as every sincere man, and true Californian, must certainly entertain. And I desire the respect and confidence of this body, too profoundly and sincerely, to knowingly give utterance to any views, concerning so sacred a subject as the constitution of our country, which would be offensive or even objectionable to a single member of the Senate, many of whom if not every one one of them, I am not ashamed to acknowledge as my superiors. Indeed had almost any other member of this body, devoted all the care, study, and labor to this subject, which I have bestowed upon it, I am confident he would convince every one of us, that the welfare of this country not only demands, that a constitutional convention should be called, but that it should be called in the quickest possible time.

The first objection to the Constitution, which appears in the order of its provisions, and therefore the one perhaps to be first noticed, is the 3d section of the 1st Article,— concerning the right of trial by jury.

The Constitution says in tolerably distinct terms, the right of trial by jury shall remain inviolate forever, and that it shall be secured to all; but that in all civil cases, not in all of any particular class or kind of civil cases, but in all civil cases whatsoever, the right of trial by jury may be waived, "in the manner to be prescribed by law." The law has prescribed the manner in which this may be done, and expressly provided that in all cases where issues of fact are to be tried, they shall be tried by a jury unless a jury trial be waived by the parties. This has been the statute law on the subject of jury trials ever since our State has existed. It has never been changed by legislative action. It has twice passed the legislature. It is certainly supported by no forced or unfair construction of the Constitution. It is beyond all reasonable doubt, what the constitutional convention intended, many of whom were in the first session of the Legislatur when the law was first passed. It is unquestionably not necessarily an infringement upon the Constitution And, in my humble opinion, it is no more fairly and necessarily in violation of the Constitution in any respect, than every other law in the Statute books of this State. But, sir, the law on this subject has been abrogated by another power in this Government, known by the name of the Supreme Court of California.

That Court, although practically constituted of only two men, has discovered within the past year, that all the men who have been in our legislatures during the past six years, and all (or at least all so far as I have ever heard,) of the lawyers in this State, have been

disgracefully ignorant in relation to the right of trial by jury, and in relation to the new and purely judicial discovery, that we have Chancellors and Chancery Courts in California. That Court hasdecided that the people of this State do not enjoy the right of trial by jury in all civil cases, even though they should demand it. That Court has decide l, and declared it to be law, that in what it has chosen to call Chancery cases, the parties, and I now quote its own language, "the parties are not enittled to trial by jury," (see case of Walker vs. Sedgwick.)

Of course we are all aware that the laws of this State, like the laws of many of the other States, do not recognize nor admit of any distinction between cases in Equity or Chancery, and cases in law. All such distinctions in the trial of causes, (which are only injurious where the two systems of law and equity are combined into one,) are now, and always have been, entirely abolished by our laws. No court of Chancery, as distinguished from a court of law, has ever at any time existed under the laws of this State. We all know this to be strictly true. No distinctions in the trial of causes, as to the mode of ascertaining the facts in issue, has ever been tolerated here between equity cases and law cases. In enforcing the equity jurisdiction confered by the Constitution upon our Distrct Courts, the Legislature has provided, as it unquestionably may do, that as to all matters of fact arising in such cases, they shall be disposed of by juries, and not by a single man on the bench; or in other words, that they shall be passed upon by twelve men, not by one man. But our Supreme Court having become fond of power, and grown bold in its usurpations, has changed the law, and made it wholly different from what the Legislaiure has thought best to adopt. It has decided that in chancery cases, District Judges shall be chancellors, and try cases as chancellors, and that in such cases, "the parties are not entitled to trial by jury." If there were any chancery cases here, legally speaking, they would probably include at least one fourth of all the civil cases in our Courts.—Chancellors, as we all know, sit without juries; they alone constitute both the Court and the jury, and perform the functions of both. Thus, solely by the edict of a Court, our District Judges are made Chancellors, are authorized to open Courts of Chancery, and are directed to try cases as Chancellors, in direct opposition to the laws of all our successive Legislatures, which have never recognized nor established any such tribunals, and without their having been created, or even named in the Constitution itself. It is true, some of our District and other inferior Courts, find it impracticable to pay much attention to this and other vagaries of the Supreme Court, and therefore follow the law made by the Legislature, and not the law made by that Court, in relation to the right of jury trials. But sir,

since our Court of last resort has deemed it fit and proper to decide that our Constitution does not secure the right of trial by jury in all cases, and since our Constitution affords us no certain redress against such decisions, except by changing the Constitution, all will admit that it ought to be changed, and its language rendered so plain that no court will venture to disregard it. I do not mean to say that all would be in favor of continuing jury trials as juries have been heretofore conducted, and are in the contemplation of the Constitution organized, but I do mean to be understood as saying, that every man in his senses, will prefer jury trials under a reformed jury system, to being left in this country at the absolute mercy of only one single individual.

The next objection to the constitution, which I will allude to, perhaps only requires to be mentioned, in order to be admitted. It is the provision which declares, that "all the laws of a general nature shall have a uniform operation."

How such a provision came to be inserted in the Constitution of California, some of whose counties are as different in their wants, and actually as far removed from each other, as counties in the States of South Carolina, and Massachusetts, it is difficult to determine, except upon the supposition, that in copying the constitution of Iowa, this provision was included among the rest. I have not been able to discover any such provision in the constitution of the United States, nor of any of the greater States in the Union, where it is often found necessary to give laws of a general nature, a different operation, according to the different wants of the country. Such a provision, in the constitution of our State, is not only unnecessary, but exceedingly mischevious. It interferes with our giving to laws of a general nature, such different operation, as the best interests of the whole country may actually require. Adopting the loose, and merely arbitrary construction which has been sometimes given to other parts of the constitution, by the courts, members have been found in the Legislature, who were willing to attempt to construe away the effect of this section altogether. But it still stands there in the constitution, occupying a whole section by itself, and its full weight, and evident meaning must be given to it. Men of easy conscience, may give it such a construction, as to make it mean just nothing at all, and be willing to pass laws of a general nature, without heeding it. But even if it were not wicked, it would certainly be injurious, for men holding office under a constitution, not to be humbly, and truly obedient, to every provision, which it contains. I certainly, most heartily, recommend the doctrine of strict, and faithful obedience to every sylable of the constitution.

The next objection to the constitution is, the provision, giving to each House of the Legislature, the right to "judge of the qualifications,

elections, and returns, of its own members," without qualifying such right, so as to prohibit its ever being exercised, for merely partizan, or personal purposes.

That this House, as Mr. Burke once said to the English House of Commons, "that this House should have no power of expulsion, is an hard saying, that this House should have a general discretionary power of disqualification, is a dangerous saying. That the people should not choose their own representative, is a saying which shakes the constitution. That this House, should name the representative, is a saying which, followed by practice, subverts the constitution."

The next objection I will allude to, is the mode provided for punishing official misconconduct. I have before alluded to this matter and endeavored to show, that the expensive and monarchial ceremony of impeachment, is treating any mere official with more attention than he is apt to deserve, and less punishment than he is apt to merit. Besides what has already been stated, it is not well designed to effect the objects intended in another repect. The officers of government who are only liable to impeachment for official bad conduct, are always likely to belong to a political party of very great if not controlling influence in the Legislature and country. And whenever anything is said against the officer or the management of his office, or any demonstrations are made against him in the Legislature, his party, and his political friends are apt to conclude that they will be injured by any attempt at punishment, or ruined by the disclosures which it would occasion. And the officer, although guilty, may enjoy the protection of a powerful minority, or the complete security of a majority, for the sake of the party to which he belongs, and thus instances may readily occur, in which the officer may go free from punishment although richly deserving it.

The next objection which I will suggest, is the section which provides that "Every law enacted by the Legislature, shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised, or section amended, shall be re-enacted and published at length." The Constitution of Iowa is not responsible for the whole of this section; and in what other Constitution in the Union, if any, it may be found, I do not know. It was however, according to the published report of its proceedings; adopted by the Convention of '49, "without debate." Under it no law can be constitutionally revised, without the old law, as well as the new, being repassed through both houses of the Legislature and re-signed by the Governor, and then republished at full length. There is no fault to be found with the probable intention of the provision, which was apparently to avoid any confusion in the laws; and also to prevent amendments being passed without their effect being rendered palpable to all, and perhaps, to render it certain that when one saw the law last made there would be no occasion to examine its previous provisions. But public laws are always presumed to be read by all, and their contents remembered. Such a presumption must always be acted upon as an established fact. It can never be disputed nor even doubted, in enforcing the laws. Such is not however the case with private or local laws, which affect only the few; and the Legislature ought to have no power to insert in such laws, any laws of a general nature. And to prevent this, some Constitutions contain the first clause of the section quoted, and apply it to private and local laws, but no others. The Constitution of Iowa however, contains much of the section precisely as it stands in our Constitution, and I am inclined to think the balance of the section is an original composition of the Convention of 1849. But be that as it may, all will certainly agree, that it is only rendered worse by the addition. We have learned by actual experience, that it has proved to be of no such public advantage as was undoubtedly anticipated, whilst it has greatly increased the public expenses for the cost of printing and publishing. Indeed it would be very difficult to show that the State has ever been as much benefited by it, as the State Printer.

The provision of the Constitution which authorizes the Governor, without any qualification or restraint, to grant reprieves and pardons, after a legal conviction has been had, is another of the ear marks of anti-republicanism, unnecessary, and, perhaps, inconsistent in a country, whose people is its king. This power to pardon criminals, was, at least at one time, believed to be greatly abused in this country. And among the first exhibitions of Lynch Law, it was not uncommon to hear those who favored such proceedings, attribute their action to their belief, that the criminals would be certain to be pardoned by the Governor, even if convicted by the courts. That the power will never again be abused, if allowed to continue as at present, without any limitation to its exercise, none of us can affirm. And since its existence in its present form is unnecessary, it is difficult to discover the wisdom of its continuance. With as much certainty as water seeks its level, crime increases as the chances of punishment are removed and the prospects of escape are increased. To repose in a king the right to pardon his subjects whenever he should deem it proper, was probably as much the dictate of policy as of justice. But the reasons which defend this right in the King of England, do not, perhaps, justify it in the Governor of California. Yet in England this power has been greatly circumscribed by acts of Parliament; and my impression is, that, not by

compulsion but by the free act and desire of the crown, its exercise is now extremely rare, in fact, that it is now never exercised except with the approbation of the judges. At all events, whenever it is exercised in England (from whence we derive the idea) the privilege is bestowed upon the king, the head of the nation, and not, as with us, upon a mere executive officer, who, in other respects, occupies no similar position in the government. As a matter of precaution, lest the due course of law should possibly at some time become unmerciful, the power to pardon ought, perhaps, to be somewhere reposed. But even the thought of its forming any part or approachable link, in proceedings in criminal punishments, ought never to be encouraged. And, it seems to me, no such unqualified power ought to be reposed in any one man in a free State, and to repose it in the Governor is only reposing it in a single citizen. Our California experience corroborates what reason ought to teach us, that office makes a man no better than a citizen. What he was, before he goes down into an office, he still remains whilst he continues there. That his position is either higher or nobler, does not depend upon reason, nor is it founded upon fact; it is merely the argument of self-pride, and the conclusion unavoidable to human vanity. Truth and reason teach us, that poor human nature remains essentially the same, whether the shapes it moves in, pass by the names of Governors and Presidents, or men and citizens. Therefore, in a government of men, all mere individuals in office ought to be remembered as mere individual citizens not their superiors, and no unqualified powers ought, it seems to me, to be left to the mere direction of one officer, without any qualification or responsibility for its exercise, which could not be reposed with equal safety in one good citizen out of office. It must be remembered that the officer in whom this power is now reposed, is in no manner controllable or responsible for its exercise, however improperly bestowed.

In the provisions of the Constitution concerning education, seems to be a verbal blunder. It is contained in the copies as published in the Debates in the Convention, and also as officially published in the first volume of our Statutes. I allude to it not with a disposition to find fault with it, because by reference to the Iowa Constitution, and very likely by reference to the original on file in the office of the Secretary of State, the omitted word can be discovered and the sense restored, but it affords an excuse for alluding to the haste with which the Constitution was prepared. After the several parts of the Constitution had been separately agreed upon by the Convention, they actually read and rushed through the entire Constitution, article after article, in one single night; the night of the 10th of October, 1849, after 7 o'clock in the evening. And it is past denial, for it is expressly stated in the report of the proceedings, from which I quote, that on that very night, when the whole Constitution was rushed through the Convention, "verbal errors" were corrected in the Article concerning the "Declaration of Rights," and "several errors in the phraseology corrected" in the Article on the "Legislative Department," and "two verbal errors corrected," in the Article on the "Executive Department." This, however, is no ground for indignation or surprise, for having the Iowa Constitution before them, their main duty was, perhaps, not extremely arduous. They had little more to do, than to see to it, that the Clerk had copied correctly. But, sir, it ought to be sufficiently humiliating to Californians, not to have a Constitution of their own, without being required to suffer the additional humiliation of its not having been even copied without mistakes.

But what is more important to be considered in this connection, is the provision made for the election and support of a State officer, and the maintenance of a separate bureau, which has not been found necessary. The provisions on the subject of education are entirely inadequate to the requirement of an independent State officer. The objection is not to the creation of the office, but to the neglect to do anything to render it necessary. It seems to have been supposed that the creation of an officer for the exclusive purpose of superintending public instruction, was making liberal provisions for the education of the children of the people, an object, in my judgment, of actually greater importance than any or even all, the other provisions of a free government put togrther. The universal education and moral training of the people is of more importance in endeavors to secure their general happiness, than any form of government which a few human minds can possibly invent. A nation un-educated and immoral never has, and undoubtedly never can, enjoy the true and pure blessings of freedom, whatever be the mere form of government under which they exist. And in a country like ours, all other objects and purposes sink into insignificance when compared to the proper education of every child who is likely, at some period, to arrive at the greatest office in his country. I do not mean some mere office of servitude, but the truly *great office* of an American Citizen. Therefore, not the secondary but the first object of a free government ought to be, not only the voluntary, but, if necessary, the compulsory education, of every child and youth in the State. The much lauded and boasted provisions on the subject, contained in our constitution, undoubtedly compare favorably with some of the constitutions of the other States; and especially that of Iowa should not be forgotten, from which they are all taken, almost word for word. Indeed, except the error in copying, if it so occurred, they are so nearly a

verbatim copy of the Iowa constitution, that they did not even change the length of time during which the Superintendent of Public Instruction should hold his office. And the term of that officer now, is actually one year longer than that of our Governor, without any apparent reason for it whatever, except that it was so in the copy from which the original was made. They changed the term of the office of Governor, from four to two years; but it is really probable that they forgot, at all events it is certain that they neglected, to make a corresponding change in the term of office of the Superintendent, and the consequence is, that the Superintendent of Public Instruction, without the least reason for it, holds his office one year longer than either or any of the other public officers, except Judicial.

The provision of the constitution which prohibits any diminution of Judicial salaries during the whole term for which a Judge may be elected, and the other provisions generally on the subject of salaries, in my judgment, impose in the one case an unnecessary restriction, and in the other, leave too much power with the Legislature. Whilst an American people never yet refused to pay cheerfully towards the necessary expenses of a good government, they cannot endure with patience, nor tolerate without every possible resistance, the idea of contributing money for public purposes which would not be necessary if the government were prudently and economically administered. And that they are perfectly right in this, is proved by reason and experience. Aside from merely prudential considerations, the healthfulness and well-being of the government itself, demands economy and prudence in every department. An individual is not more certain to be ruined by prodigality, than is a government by extravagance. And all sums paid by government for things which are not really necessary for its efficient administration, are purely extravagances. They probably ought to be prohibited, as far as possible, by constitutional provisions. Perhaps sums ought to be fixed by the constitution as the maximum of all official salaries and compensation, which could never be exceeded by fees or otherwise, in favor of any office whatsoever. At all events, offices should not be allowed to exist which oppress the people to enrich the occupants.

Under the present government the rule of official compensation is grossly unequal and almost universaly exorbitant. The general organization of public offices is without any fixed system, and completely profligate. Offices requiring the least ability, and those whose duties can all be performed by deputies; are often paid more than those which require the greatest efforts of mind, and the most constant application to their duties, and must rest with their whole weight upon the officers themselves. In my judgment the terms of offices ought to be short, in order that none need be required to serve in them longer than they can afford to. And the profits of office should be absolutely trifling, in order that it may never be thought of as a means of livelihood. The mode of making public contracts requires constitutional guards in order that all indirect speculations upon the country may be cut off. All that portion of population which looks to office, and not to useful industry for a livelihood, should be rendered incapable of obtaining a finer living by their indolence, than industry can afford to enjoy, by constant toil. As long as a people reward their officers only with money, they need never hope to have servants who love them, but only such as would use them. High salaries excite the cupidity of the selfish, low salaries, awaken the patriotism of the good. High salaries cause all the crowds of men to rush for office; low salaries cause "the office to seek the man." Public gratitude goes further with all true men, than merely their wages. When men receive no other reward than the payment of their necessary expenses, the people discover that they are willing to serve their country for its own sake, and cannot avoid feeling a greater respect and affection for their public men. And the affections of the people are surer to command devotion to their services, than their mere pay with their abuse, however well laid on. The former satisfies good men, the latter is only agreeable to the bad.

Sir, our own experience should teach us, that high salaries are not only against public economy, but also impolitic in other respects. No other government in the Union except this, has ever paid such enormous sums to its officials; and their services in this State seem to have been rendered, generally, for no other apparent object than to secure their pay. They have engendered no love for the country, but only a love for its offices. They have driven off patriotism and public spirit, and supplied their places with official gambling, and partisan immoralities. Aside from the officials connected with the revenue, the United States has always been handsomely served in this State, side by side with our own officers and under the same expenses, for about one half the compensation paid by us. In my opinion, taking all the State, county and local public officers together, a proper constitutional reform of this government could save for the people, not less than one million dollars annually, and the public interests would, at the same time, be better attended to. If I am not mistaken in this (and if time would permit its discussion at length, I think I could show that I am not,) this consideration alone ought to be sufficient to warrant us in at least permitting the people to express their wishes, as to whether they desire a constitutional convention or not.

The provision of the constitution that "all laws, decrees, regulations and provisions,

which from their nature require publication, shall be published in English and Spanish," is undoubtedly objectionable as a constitutional regulation. I believe no similar provision exists in the constitution of any other American St te except Louisiana. But even there it does not go to any such extent. It provides for publishing the constitution and laws in another language; but nothing more. By fixing such a regulation in the constitution, the Legislature is compelled to obey it to the fullest extent, and, in many instances, when no portion of our citizens are benefitted in comparison to the expense which it entails upon all of them. It therefore often becomes unjust to comply with it, whilst a refusal to do so, would be a disobedience to its express commands. All the public laws could be published in Spanish, but probably our fellow citizens who are natives of this country, do not themselves consider it necessary, that every private law, and every official document requiring publication should be published in both Spanish and English. I do not think the constitutional convention of 1849 deserve the slightest censure for having adopted this provision at that time, but experience has proved that it is calculated to do more harm to all, than good to any body.

The provisions of the Constitution on the subject of taxation, which affects directly the interests and prosperity of every inhabitant of the State, are extremely meagre, and but little better than no regulations at all, on this all important subject. They actually do not occupy four lines of the whole Constitution, and those simply declare that taxation shall be equal and uniform, without making the least provisionto insure so just a result. They add, that all property shall be taxed in proportion to its value, but they affix no limit to the amount of tax which may be imposed. These two brief declarations contain all the provis tons of the Constitution regulating the imposition of taxes. We have learned by the most trying and severe experience that the Legislature of California ought not to be allowed the power to impose taxes when, how, and in what amounts they please, without the slightest constitutional restriction, or regulation. The amount and system of taxation, which has hitherto prevailed in this State, is not merely unequal and unjust, it is vicious and unmitigated oppression; it is complete and absolute tyrany; inflicted from year to year, and every year becoming more terrible and wholly insupportable. This Legislature may do what they please, but the next will think themselves capable of making improvements, and as long as the Constitution leaves this subject entirely with the Legislature, no settled rules, no fair, equal, just and established system of taxation can ever reasonably be hoped for. This portion of our Constitiuion is also of such immense importance to this country, that no unnecessary delay ought to be endured in accomplishing its complete and radical amendment. It would be needless to comment upon this subject, for every permanent citizen, and almost every inhabitant, who has remained twelve months in this State, has no doubt discovered that its mode and plan of taxation is completely infamous. It has actually driven hundreds, and possibly thousands, of active, business men out of the State altogether; and continually causes the most intense dissatisfaction.

The provisions of the Constitution concerning its general amendment or 'revision and change,' is not taken from the Constitution of Iowa, which is more just. Indeed, justice to the Constitution of Iowa, would perhaps require the acknowledgment, that had the Convention 1849 adopted it entire, with the additional section which provides for "a system of county and town governments," it would have been all the better for this country; because, it must be confessed, that the few alterations which have been made, have not, taking them all together, amounted to the least improvement, and in some important respects, they are worse than the original. Among these last, I allude particularly to the alterations in the judiciary, and the one now under consideration. The Constitution of Iowa does not require the consent of two-thirds of the members of each house of the Legislature before the people can be allowed to vote for or against a Convention to amend their own Constitution. Constitutions are simply laws passed by the supreme Legislature of the State, its citizens themselves, in their original and supreme capacity. Upon what principle any small number of people or any particular set of officials, are to be authorized and justified in preventing the people from the exercise of this right, at this age, and in this period of political progress, I do not understand. At this age the whole people are supposed to possess more intelligence than any mere assemblages sent out from their midst. Why should not they be consulted before the adoption of any law, of vital and permanent interest to the people of the whole State? The laws that they will themselves approve they will never permit to be disobeyed. Certainly nothing can be more unjust, unreasonable, and inconsistent, than to hold the people responsible for good government, and at the same time refuse to entrust them with every proper facility for amending its Constitution, and being themselves consulted with, as to its laws. To suppose that the few of us now assembled, or who may hereafter be assembled in these Halls are either more intelligent, or more anxious for the happiness of the people, than the people themselves whom we but represent, is absurd. Every one of us have left men amongst our constituents who are our superiors in all respects.

General Remarks. Office—Idlers.

There are, nowadays, not merely hundreds but thousands of men always remaining in the ranks of the people, who are superior to those who attempt to direct and command them. There are not merely hundreds but thousands of men to be found here in the secluded walks of cities, and upon the plains, and in the valleys, and amongst the hills and mountains, who have never been in office, and yet whose learning, ability, native greatness of soul, and pure sympathy for their fellow-countrymen in this remote State, would put us all to the blush. The greatest loss that can occur to us, is the continual loss of the advice and direction of such men, merely because they hold no office. For my part, I believe sincerely that our government would be far more just, noble, powerful, successful and permanent, if it were far more democratic. I know of no reason whatever for distrusting the action of the people upon any measures of great public moment. Certainly, if they cannot all be trusted, the few who come out from amongst them, must be still less worthy of confidence. In a nation of freemen, so brave and generous and universally intelligent as the Californians, I am confident that it is only necessary to appeal directly to their patriotism and good sense, in order to insure a most just, powerful and glorious government. The idea that such a people ought to be governed entirely by laws, made without any consultation with them, and without their previous knowledge of what they are to contain, but sprung upon them suddenly or in haste and by a few persons (as is the custom in aristocratic and despotic governments), is certainly anti democratic, and I cannot see why it is not actually unwise. At all events, the idea that the citizens of California, ever can, or ever will, be so governed, *successfully*, is, in my judgment, wholly im probable. The Californians are not "Old Fogies," they believe that we can and ought to progress in the principles and science of government. They want no officials to set themselves up to govern them, and they will never submit to it. They want to govern themselves through their officials, and to make a convenience of the men they place in office, not to be made a eonven ence of, by them. They want to use their officials themselves, they do not want to be used by them. They want a government which will afford citizens the opportunity to become as much renowned in the government, without office, as with it. They want to abate the terrible and destructive nuisances of office and office-seeking. The ermine no longer conceals from them that merely one or two ordinary individuals sit within, And Law has no longer such senseless terror as to deprive them of their reason, or prevent them from discovering the present false and absurd systems for making it. They will respect property, maintain order, and insist upon exact justice between man and man. But they want nothing else, and they will never be brought to submit to anything less, not even to save the nerves of those who think that lawyers and lawyers' courts are indispeasably necessary, in order to administer justice. They will not respect nor cheerfully afford any assistance to a mere government for the support of officials and the encouragement of idlers. I verily believe a majority of our people would almost as soon vote for the law of Draco, which made idleness a crime punishable with death, as to continue under the existing plague, the prevailing epidemic, the sweeping, increasing and destructive mania, for office. Indeed, it might actually be more to their advantage to pay for the support of a standing army, with long muskets, and keep it well fed and under good discipline, than attempt to maintain a standing army of idlers, with merely long fingers, and voracious appetites, and under no discipline at all.

Sir, it is an actual fact, that the whole political duty and power of our people, under the existing government, consists of nothing but the mere election of men into office. The whole vitality of this Constitution is but little more than a series of regulations for the election and support of officials, who are to act pretty much as they please; with but few restraints upon their conduct, and no sensible or certain means of punishing them for bad behavior in office. The idea seems to have been that the people would not elect men to office who would not well govern them. The idea ought to have been, that the sole object of electing any persons at all to office, is merely to provide facilities for the people to govern themselves. Indeed, this whole Constitution is interspersed with a weight of fogyism. The people are no where,—in its active, living provisions,—no where left free from the pest of office. They are distrusted. They are treated as inferiors. They are left to be moved and swayed by one of the most insidious and terrible curses of free government, I mean OFFICIAL INFLUENCE.

Resume.

Mr. Presldent—an humble, but honest and sincere, effort has been made to point out only a portion of the defects in our Constitution, a majority of which we will, undoubtedly, all admit to be serious objections. I now beg leave to merely recapitulate them, with brevity, in order that they may be brought again fresh to our recollection. They are these:

1st. That our Constitution was adopted before the real condition and wants of the country had been fully developed and made known, and consequently must, from the very nature of things, be less complete and beneficial than one which could be prepared with our present experience.

2d. That it imposes no checks upon the enormous sums which the Legislature can allow its favorites, under the guise of official services; whereby public offices are made the objects of speculation or profit, rather than the mere performance of public duties.

3d. That it does not restrain a few citizens in the Legislature from selling, or otherwise disposing of, any or all of the public domain and property of the State, at such time, and upon such terms, as they may see fit to adopt, without being required, in any case whatever, to previously advise the people of their intentions, or to give them an opportunity to express their wishes with regard to the disposition of their property.

4th. That it enables the Legislature to create whole counties without allowing them one Representative in the Assembly; and limits the entire legislative representation of the State to a small number of individuals, not exceeding, perhaps, one half of the number which the public interests and security demand, at the present time, and being comparatively much less than is allowed in every other State in the Union; whilst the gross sum now paid to the members of the Legislature need not be at all increased by doubling their numbers.

5th. That it allows officers to be appointed by the Executive who ought to be elected by the people; and allows the Legislature, by a mere majority vote, to create new offices (however unnecessary) and fix the compensation of the incumbents.

6th. That it allows the Legislature to fix the pay of its own members.

7th. That it allows the Legistature to continue in session for such length of time less than a year, as it sees fit, and at the same compensation during the whole period.

8th. That it allows the Legislature at each session to employ as many officers, clerks, attaches and servants as it chooses, and to fix their compensation; whereby such numbers have been employed, and at such rates, as to annually cause an expense nearly equaling the whole sum paid to the members of both houses of the Legislature.

9th. That it imposes no checks whatever upon the sums which the Legislature may expend and order to be expended, under the head of contingencies; whereby, through this and the other powers referred to, the expenses of the Government are at least three times greater than there is any actual necessity for.

10th. That it leaves the entire Finances of the State under the complete control of the the Legislature, without any constitutional check, system, or regulation whatever, leaving all the different funds to be thrown into confusion; the monies in one fund (however sacred the trust,) to be borrowed and expended through another fund; and appropriations of property to one fund for some specific object, to be taken by some other fund, at such price and upon such terms as the majority of a few persons, being the members of the Legislature, may see fit to direct. And in this and other ways, leaving the whole finances of the State continually upon a hazard.

11th. That it does not restrain the Legislature from passing purely local and private bills, of no general public utility or advantage, whereby its sessions have been uselessly prolonged, the public expenses unnecessarily increased, and the doors of the Legislature thrown open to invite partial, personal and corrupt legislation.

12. That it does not create a direct responsibility between each individual legislator, and those whom he undertakes to represent; making no provision for as many Senatorial and Assembly districts, as there are members of each in the Legislature, whereby each neighborhood or certain number of citizens could have their own separate represenatives, being singly and directly responsible to them for his official conduct, and more likely to be well known to them, and better acquainted with their situation and their wants.

13. That its plan for punishing official misconduct in District Judges and other inferior State officers, only by indictment in the Assembly, and a judgment agreed to by two-thirds of the members of the Senate, is contrary to Democratic principles, enormously expensive, wholly unnecessary, and against public policy.

14th. That its provisions concerning the sacred rights of the people to have all their cases tried by juries, have proved to be defective; and, in consequence, the Supreme Court has annulled a long established law of this State, and decided that the people "are not entitled to trial by jury" in a very large class of civil cases which it calls chancery cases; and that all such cases are to be tried only before one man, who is to act as both judge and jury; whereby not only is the right of trial by jury invaded to an extent that is dangerous in this country, but the Supreme Court itself usurps a new power, and assumes the right to pass upon the facts as well as the law, in any cases which it shall please to designate by a particular name.

15th. That its provisions requiring that "*all* laws of a *general* nature shall have a uniform operation," is not merely useless, but seriously injurious, interfering as it does with the passage of laws of a general nature, to operate differently in different counties, according to their several different wants and necessities.

16th. That it permits each House of the Legislature to determine the elections of its own members, without any qualification of such right; whereby the people can be defeated in their own choice of a representative, and in spite of their own wishes, another can be elected in his place, whenever a majority of the

House to which he is elected may see fit, upon partizan or any other grounds, to exercise this power.

17th. That it prohibits any revision or amendment of a law, without re-passing and reprinting the whole of the revised law or section amended, whereby the public expenses are greatly increased without any necessity, or actual public advantage.

18th. That it bestows upon only one man, and without any restraint or qualification, the monarchical power (more absolutely than is at present vested in the English Crown) of granting reprieves and pardons to criminals, after they have been duly and lawfully convicted by the unanimous approval of courts and juries.

19th. That it creates a Bureau of Education to be presided over by an independent officer, without making any provisions (in relation to that grandest object of human polities) rendering such an officer necessary; and without limiting the term of his office within reasonable and consistent bounds.

20th. That it requires "*all* laws, decrees, regulations and provisions which from their nature require publication," to be published in the Spanish language; whereby a great expense is unnecessarily entailed upon the country, without the power of diminishing it, so as only to comply with what our Spanish population really require in relation to this subject.

21st. That it does not effectually prohibit the Legislature from contracting civil debts or liabilities without the previous consent of the people, who pay them; nor restrain its vile powers of funding liabilities illegally and unjustifiably contracted, and thus forcing debts upon the people which they never assented to, nor were benefitted by, nor were under any obligations to pay—either legal or moral.

22d. That it throws difficulties in the way of revising and changing the Constitution, which are unnecessary, impolitic and inconsistent with the principles upon which the government is founded.

Sir, can any candid and intelligent man be found, in the Legislature, or out of it, who will not admit that at least a majority of these objections to the constitution, are valid and important, as such? The people of other States have deemed it necessary to call conventions, and revise and change their constitutions, when not one quarter of the objections could be fairly stated against them, which all must admit to exist against ours. I have not stated numerous objections, which I believe radical and important, and doubtless some of those, which I have deemed to be objections, others may be ready to defend. But it does seem to me, wholly impossible for any one to honestly, candidly, and thoroughly, investigate the subject, without being forced to admit, that there are a great number of important defects, in various parts of the constitution, which require change and amendment. And that the least thing we can do, as legislators, if we care one straw about the views of the people, or the interests of this country, will be to submit the question to the people, for their superior advice and discretion.

Object of the Bill. True Reforms need only be hoped for in this way.

The bill under consideration, asks for nothing more than the consent of the Legislature, to a mere recommendation of this subject to the people, which it seems to me no one ought to be willing to refuse, but only anxious to concede We know, of a certainty, that the people will never blame us for voting for such a recommendation, but they may well blame us for such conduct, as would, under existing circumstances, be the clearest evidence of our want of confidence in them. If the bill which I have introduced, requires alterations or amendments, in any respect, I will, for one, heartily support them. Whose bill, or what bill is passed, is a matter of no moment to the public, provided it will properly accomplish the object intended. All that is required in the premises, because all that the existing constitution authorizes, or requires, is, "to recommend to the electors, at the next election for members of the Legislature, to vote for, or against a convention."

If a majority of the electors, voting at such election, shall vote in favor of calling a convention, it will then become the duty of the Legislature at its next session, to "provide by law for calling a convention, to be holden within six months after the passage of such law."

Now, sir, after the lapse of more than six years, under this constitution, the first that was adopted in this country, and which we have found, by experience, to be full of defects, it seems to me it is high time for us to attempt its necessary amendment, in order that our people may enjoy the advantages of a government adapted to their real condition.

Sir, I do not believe there is one respectable citizen of California, here, or elsewhere, who does not sincerely desire a thorough, and complete reformation in our public affairs. But what cause, what propriety, what reason, is there for attempting a reformation, without commencing at the very place from whence nearly all our public evils flow? For my part I have long and earnestly devoted myself to this subject with all the feeble powers which I possess, and with an earnest wish to hit upon some expedient for reforming our errors and removing our grievances, without any revision, or change of the constitution, except such as the Legislature ought to attempt. But, sir it is in vain. The necessities of this country absolutely demand an entire revision and change of this constitution. And I confidently believe, that it is idle and useless, to hope

for the infinite blessings of a good government in this State, until a new constitution shall be adopted.

Certainly reasons enough have been already stated, to convince any candid and unprejudiced member, that such revision and change, is at least sufficiently necessary, to render it his duty to submit the question of a convention to the people. If not, then, in the name of Heaven, what does he expect, in order that it shall ever become his duty to do so? Does he expect to wait until the people shall have learned to live in a state of anarchy, or shall have repudiated the government altogether? Or does he merely require still further reasons, in order to induce him to "think," that a revision and change of the entire constitution is necessary? If he only require the latter, then I ask him, as a man, as a Californian, as an American, to turn his earnest attention to the Judicial Department, created and upheld by this constitution.

The Judiciary.

With regard to some of the other and multifarious objections, which have already been mentioned, I have spoken with diffidence of opinion, but with regard to the judicial system which this constitution inflicts upon us, I confess that any indication of doubt, or reserve on my part, would be but affectation, and any diffidence of opinion, but hypocracy. I have had occasion to watch the effects of this branch of the government more closely than either of the others, and ever since the adoption of the constitution. I have never yet met a man of sense in California, who did not think our judicial system grossly defective. It is not merely erroneous, and dangerous to individual and public rights, but it is an insult to the intelligence of the country. It is a disgrace, which Californians ought to be no longer required to endure. Even the Judges on the bench, who are men of candor, are forced to admit that it ought to be completely reformed. Indeed, it has already caused a general feeling of disrespect for our courts, and all connected with them. And to me, it is amazing, that good men, who have been so long in office, have neglected to remove an evil of such sweeping power and destructive influence, as the existing judicial organization of this State. Such terrible and public denunciations as California courts receive from the people, ought never to be indulged, or tolerated, unless they be deserved. But if one half, or one tenth part of what is said against them be deserved, then what language can express the odium which should attach to that man, whose duty it has become to provide redress, but who shall refuse to give his cheerful aid in that behalf.

It is undoubtedly the duty of the statesman to be attentive to the *actions* and *complaints* of the people, for in no other way can the disorders of the State be ascertained or remedied. But, sir, we must not look among the people for the location of the disorders which are to be remedied, because in the government itself, and not in the people, all chronic political diseases have their seat. If we find our people repeatedly guilty of "mob law," we must not neglect to observe, that the courts of the State have not remained obedient to the laws of the country. If we find our people sometimes suddenly making laws upon the spot, to suit their own notions of punishment for certain offenses, we ought also to observe that their Courts are addicted to the same thing, and sometimes make laws upon the bench to suit their own notions in certain cases.

If we find our people sometimes denying criminals their legal right to trial by indictment, we ought also to observe that our Courts are sometimes denying good and honest citizens their legal right to trial by jury. If we sometimes find our people treating the law with contempt and deciding a case in haste, we ought also to observe that our Supreme Court has sometimes treated laws with contempt and disobedience, which have been passed to regulate the mode of their decisions. If the people have sometimes denied men the right to appeal from their hasty judgments to the courts of law, we ought also to observe that our Supreme Court has denied us all the right of appeal from its hasty judgments to the Supreme Court of the United States, even in such few cases as are expressly authorized by the constitutional and well settled laws of our country, and by the universal custom of our people ever since the existence of our nation.

Sir, if there be danger to liberty, and property, whilst the people are addicted to disregarding the laws, what shall be said when the Courts themselves are treating them with disobedience? If hundreds, and sometimes thousands of people are to be censured and condemned for mob law, what are we to say of a constitution which cannot prevent only two men from executing mob law in our very Court of last resort?

If there be other offenses of which our people are guilty, and to which no allusion has been made; so are there other acts of judicial despotism, perpetrated by the Supreme Court of California, under the protection of this constitution, upon which I will not dwell. I will not dwell upon the written laws consulted upon and passed by the two or three men in that Court, prior to the last election, (for I nowhere allude to the Judge recently elected,) which laws are to be found, to-day, in its 45th, 46th, and 47th rules; and which literally and undisguisedly make a law on the important subject of appeals differing in very serious respects, from the constitutional laws of this State, duly passed by the Legislature and approved by the Governor, upon the very same subject.

I will not dwell dpon the daring decision made by that Court upon the very eve of the last general election, which was calculated to disfranchise at least five thousand of the elec-

tors of this State; and although, of course, not at all designed or intended to affect the election, still most singularly and excellently well designed to continue the old duality, the old two Judges, of that Court in power. I allude to the decision, or expression of opinion in a made up case, just previous to the last election, at which two of the Justices who made it were not opposing candidates, though on opposing tickets, wherein that tribunal modestly and from a pure and virtuous sense of duty, decided, or rather expressed the opinion, not only that no Courts in this State except the District Courts could naturalize, but also that the Courts of the United States have no such right. An opinion never before avowed by a Court which acknowledged the slightest obedience to the laws or constitution of the Union. An opinion which never can be adopted without utterly repudiating the express laws of our country; which are unquestionably constitutional, and have been steadily followed and obeyed by all the States from the foundation of our national government down to the present time.

Sir, the spectacle presented by such exhibitions as these, of the conduct of the highest constitutional court, the tribunal of last resort, in a great State, is, to me, far more terrible and alarming, than all the worst demonstrations of popular fury, which the people of this State have ever in any place, or at any time, exhibited. I make these allusions in sorrow, and with sincere grief, to think that such things dare to be already so boldly attempted, in an American State. God knows, I make no allusions to that Court or its conduct, from any personal feelings against the individuals who have presided in it for the past four years, or who still preside there. I can candidly and truthfully declare, and I do therefore here avow, that I am not actuated by the slightest or most remote personal feeling in this matter. Indeed, as to the mere individuals composing the Court, I do not see that they have anything to do with the defects in the constitution. And I allude only to the Court and its Judges officially. I do not attack them, but their office. I do not allude to their actions, but to the actions of their Court.

Sir, we all know that no Court has any right whatever to govern us, nor make any laws for us, nor decide for us what is right and necessary. The whole duty of our Courts consists in only declaring and applying the law, as they find it. Any other rule is most dangerous to the rights and liberty of every inhabitant of the country. They have legally no discretion whatever, not one particle.—They have no authority to vary the law, even one hair's breadth.

But the Supreme Court of this State seems not to be content, with performing only the inferior and obedient duties of a Court. It has aspired, it seeks to be something greater than a Court. It has grown ambitious, not to do merely what other courts have done, but to do what other courts have never dared to do. "Its appetite has grown by what it has fed upon," until what was but recently two ordinary attornies at law, have, suddenly, without great application and without great legal learning, grown greater and wiser than all the other courts and lawyers of this age, and of all the former ages of our country. It has proved by arguments, satisfactory to itself only, that it is greater, wiser, and more learned, than the Courts of the United States, and of all the other States. It has struck out new paths in judicial duty, hitherto unknown and supposed to have no existence. It has made new discoveries in judicial powers, which have hitherto been supposed dangerous to liberty, and strictly prohibited from Courts. It has not been satisfied to merely aid us in the administration of our laws; it has also become the champion of political heresies. Under the guise of judicial decisions, it takes occasion to disseminate political doctrines, which are odious and hateful to the people of this State, and deserve the severest reprobation of every true American citizen. Under the pretence of maintaining the rights of our State, it seems willing to take away, some of the most important rights which we enjoy. Infatuated with its capacity to elevate our State, it has actually degraded us below our real position, and has made decisions to prove that we do not enjoy the same rights which are freely conceded to the people of the other States. Attempting to elevate our State sovereignty, it places our State in a false, if not a dangerous attitude, which we never ought, and God grant, that we never may, maintain. Because it strikes at the very foundations of the Union.

By the theories of all other American constitutions, as well as our own, and also by the theory of the English Constitutions, which all our American constitutions have imitated but republicanized, and therefore, by the fixed laws under which, and with reference to which, the different departments of this government went into operation, its judicial department, as is well known, is inferior in the extent of its powers to either of the others. It is not inferior in place or degree, for it is coordinate with the others. Nor can it be interfered with by either of the others, as long as it confines itself to its own sphere of humble but highly responsible duties. Where it does not do so, however, its occupants can be punished by the others. But, sir, (so true it is, that in all human governments unguarded authority will only beget an *appetite* for power,) we find that our Supreme Court, although practically constituted of only two men, has not remained contented even with the great powers which the Constitution has unguardedly bestowed upon it. It has not remained satisfied with the excessive powers which ought not to have been entrusted with such a Court, but has been for the last four years continual-

ly grasping after still more power. Not content with the great and responsible duties of a co-ordinate department, it has boldly leaped all the judicial restraints which surround other courts, and stands to day not in the mere attitude of the Supreme Court, but actually in attitude of the Supreme Power, in this government. Sir, such a position ought to excite universal alarm and condemnation, in any government and under any Court, however carefully organized. But, when it is assumed by only two common attorneys, and in a mere trio court like that which now constitutes the Supreme Court of California, it ought to be met by other feelings than those indicated by either sneers, smiles, or laughter. It may be that we ought not merely to laugh, nor ridicule nor trifle with matters of this nature, nor with efforts to do away with such public wrongs. Our people and our press, may be wrong in generally treating such official impudence and assumption, with mere indifference and contempt. For it assumes the very powers which are only exercised by tyranny itself; and if maintained, it at once reduces this government in substance and in fact, into a most contemptible oligarchy. Sir, it is amazing how ready we all are to believe in the gross governmental abuses and outrages which exist in other countries, whilst we do not seem to discover those which may be even more oppressive and disgraceful, in our own.

Sir, only two men at the other end of this street, can twist all our laws about their fingers. They can set themselves up to control and, whenever they please, to defeat, the hundreds of legislators who annually visit these Halls, fresh from the people, and anxious to secure for them, some measures of relief.—And, sir, whilst we who are sent here to make the laws, are busily and studiously accused before the people, of being the direct cause of all the evils of the country, our laws are handled like wax, and our statutes like dough, in the judicial fingers of the Courts. They cannot be enjoyed and administered as the whole of us in both these halls, or as we and our successors, may constitutionally determine to be best for the country, unless it shall please the Court to concede to us that privilege. Under the insidious pretence that we have no right to interfere with their "department of the Government," they hold us actually in subjection to their own wills, and judicial pleasure. And we see that two men, two ordinary lawyers, can sit demurely, at the other end of this city, and nullify, with complete practical impunity, the constitutional rights and laws of the people as often as it suits their pleasure, and they acquire or make the opportunity, so to do. And yet we see no very great evils; we see no great necessity for immediate constitutional reforms, and we seem to think it strange, that order is not maintained; that our laws are not well administered; that our courts are not respected; and that our people have been so frequently guilty of taking the laws into their own hands, without respect, and in open defiance of legally constituted Courts and Judges.

Sir, in what form is actual tyranny to come amongst us, in order that we may be certain of its presence? Must it come with armies and banners? Can it never be seen until it comes with a crown upon its head and a sceptre in its hand? Our fathers scented tyranny in the very air that passed away from *official* wrongs. Are we already growing dull and inattentive to its approaches? Or do we suppose that it actually cannot exist among men who are in the acknowledged enjoyment of liberty? Sir, we cannot be so ignorant as to believe that tyranny is confined to actual despotisms, or restrained within the jurisdictions of Kings and Emperors. We know that it may exist wherever mankind is to be found. That its existence in Republics can only be repressed by "eternal vigilance."—That it is not a thing which can ever be extinguished by any one effort of a people. It may be cut down and every vestige of it be destroyed, by a revolution, but it cannot be annihilated. It will grow again. It will take root from nothing. Its seeds are scattered more widely and dangerously among freemen, than among slaves, for its seat is in the human mind, and it lives wherever selfish ambition attains to power Perhaps no man, not truly great, and sublimely christian, has ever been entrusted with supreme powers in a government and left comparatively free from responsibility, who has not felt his power, and grown into the practices of tyranny. It is but the history of mankind in every country, and at every age. And I cannot understand why *we* should conclude, that at this time, and here in California, no such practices can, or do, actually exist. There can be no dangerous tyranny in our Legislature for it is annually dissolved and reformed again from the people. Nor can there well be tyranny under the Executive department of this Government, for its offices are of short duration, and numerously constituted, and their duties merely executive, not creative, nor undefined. But, sir, the head of the Judicial department of this Government has become, in my judgment, a tyranny. And if we really wish to learn what tyranny is, and what petty tyrants can do, and dare do, in a Republic, we need only watch attentively their so called judicial career. Sir, no tyranny can be so dangerous to freemen, as that which conceals its intentions behind the sacred ermine of their courts. Indeed, of all tyrannies none could possibly be better calculated to deprive freemen of their rights, than that which steals upon them in the very garb of justice. Courts of justice can spin their strong and insidious webs in secret, and roll man up, and bind them hand and foot, in the strong and inextricable meshes of their judicial orders and decrees, whilst the people cannot perceive the wrong, and the injured can only buzz, and struggle,

and wonder how such things can be And thus, in their own courts, and here in this State, the people and their laws are continually caught in the mischievous and unseen cobwebs of *judicial* law, spun by the one or two judicial spiders who watch within; and who sit there, not as if for the plain straight-forward purpose of administering simple justice, but rather as if aiding a surrounding family in securing the means of a fine support.

Mr. Justice Blackstone, the renowned English Jurist, and "the father of our common law," declares in his commentaries, which must be familiar to you all, that "To set the judicial power above that of the legislative, would be subversive of all government." And certainly, no proposition can be more self evident, to reflecting men.

Chief Justice Marshall, perhaps the greatest Judge, and most profound reasoner, on the constitutional powers of our courts, who ever sat upon a bench in America; himself the head of the highest judicial department in the United States, and, of course, unwilling to surrender any of the powers or rights properly belonging to his court, has expressed his views upon this subject, and the views which have always been maintained by the great court over which he so long presided, in these remarkable words:

The Judicial Department, (he said in delivering the opinion of his court,) *is the instrument employed by the government, in administering the laws, The judicial department of the government has no will in any case. Judicial power, as contradistinguished from the power of the laws,* HAS NO EXISTENCE. *Courts are mere instruments of the law, and* CAN WILL NOTHING. *When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law; and when that is discerned, it is the duty of the court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the Judge; but always for the purpose of giving effect to the will of the Legislature; or, in other words, to the will of the law.*—(Osborne, v. U. S. Bank, 9 Wheat, 866.

Sir, I would be the last to deprive our courts of any of their proper, legitimate and constitutional powers. But it is as impolitic to uphold a constitution which lends them facilities for assuming and exercising new powers, as it would be to attempt to deprive them of any part of the legitimate power which they already properly, and legitimately possess. But it seems to me, that no proposition can be more true than that the courts of this State have no authority, to upset any of the old and settled laws of the country, which have been established by unvarying custom, and affirmed by competent authority; nor to make laws in opposition to, or differing in the least, from the constitutional laws passed by the Legislature; nor in any manner, nor under any pretence, to disregard, evade, or misconstrue any law whatever, passed by the Legislature, unless it be clearly, and beyond all reasonable question, contrary to the constitution of the United States, or of this State. Any other doctrine makes the mere judge a legislator, and introduces at once a confusion of laws, and the reign of that most plain and palpable tyranny, which we, here, in California, so patiently endure. I mean the tyranny of being subjected to laws, whilst it is not in our power to know what they are, or how, or in what manner, or to what extent, they will be applied and enforced.

Sir, I feel confident that no intelligent and thinking man can tread the soil of California to-day, without the feeling that it is oppressed. And that justice, as administered in all the other States of our country, is not administered here.

But, sir, let us cease attending to the dangerous conduct of our Supreme Court, and ascertain if the cause of such conduct, be not fairly and clearly attributable to its dangerous and trifling organization. Because, if the Court is so organized that such conduct would not be likely to be repeated at any future time by a change of its officers, then all the abuses to which we have alluded would not be owing to the constitutional organization of the Court, but only to the people themselves, for electing unsuitable men to perform its great office.

Sir, the Constitution of the United States does not necessarily form a wise and complete model to be followed by the individual States, in the formation of their constitutions; because, the chief objects sought to be attained by that instrument, the individual States have no control over. They have surrendered them up to the Union. But still the division of powers, in the national Constitution, and the manner in which that division is made, and the theory which forms a part of each, and is briefly outlined in them; all must admit to be, perhaps, the acme of political wisdom. The theory upon which such division is based, did not originate with the framers of our national Constitution. Angels from heaven, could not give sudden birth to so much political wisdom. It was the result of seven hundred years of English progress and English experience. But, neither by the English, nor the American Constitution, is the number of judges to compose the Supreme or inferior Courts, limited and confined to such trifling numbers as with us, nor to any particular number. The legislative department is so organized as to reflect fairly and fully the public necessities, and to that department is left the power of increasing the number from time to time, as the public interests, and security against judicial usurpations, might require. The English Government, however, secures itself against judicial usurpations by never allowing its courts to question the acts of the legislative branch of the Government, for any purpose or under any pretense, and by retaining the supreme head of the judicial power, in the upper branch of its legislature.

We shall notice presently, how carefully the government of the United States has secured itself against judicial usurpation.

The American Constitution does not contain any clause or Article, declaring the government divided into three separate departments, neither of which shall interfere with the duties properly belonging to the other, as is contained in the Constitution of Iowa and this, and some of the other States, a provision which is unnecessary, and (as we have learned by our California experience,) is liable to be completely misapprehended and dangerously construed. But it contents itself by simply establishing separately, the three powers in the government which actual experience has proved to be necessary in all free constitutions. Because, we see plainly, that if one body of the government were allowed to make laws, and then to construe and execute them, there would not exist the necessary checks or restraints to prevent such body from governing the country as it saw fit. And that when once entrusted with such power there would be no *legal* mode of getting rid of it, (except by constitutional change) however oppressive or obnoxious it might become. It is also equally apparent, that if either two of the three apparently natural divisions of government, were entrusted to one body, it would become almost equally objectionable, because, if one body were allowed to make the laws and execute them, or to make and construe them, (as our Supreme Court has done,) in either case the power would almost inevitably lead to gross abuses. Therefore it has been found the acme of political wisdom to create the powers separately, and endow the first with authority to make the laws, the second with authority to execute them, and the third with authority simply to declare them, and announce what they truly are, whenever questions arise, in the transactions of life, as to their real meaning, or as to their having been properly passed, or properly obeyed, or properly executed. In all this I am only restating what is perfectly familiar to Senators. But it will serve to recall to their recollection the necessity there is, for so constituting these several departments, as to render it absolutley certain that each one of them will contain as many checks upon its action, as will be at all consistent with its efficiency. For a constitutional government, it will be remembered, is a government of checks and directions, from beginning to end. And in proportion as these checks are removed from any of its departments, and the mere individuals who must be placed in them, are allowed to exercise their own judgment and discretion, just so far does your Government depart from the grand object sought for in constitutions, that is, a government of laws, and not of mere individuals or individual notions or opinions, however conspicuously obtruded, or plausibly argued.

But although all these three separate and distinct departments seem to be indispensably necessary in a good constutitional government, yet it is by no means to be understood or even imagined, that they are each of the same, or equal, weight and power in the government. In England the legislative department is absolutely supreme over both (and each) of the others. And yet, theoretically and in practical effect, each one of them, the Judicial, the Executive, or Sovereign as it is there called, and the Parliament, are co-ordinate departments of the same Government. The American constitution differs essentially in its organization of these two departments, but (what I am only now trying to illustrate,) the same, or comparatively the same, relative power is still carefully preserved in each, under the American constitution, as exists under the English constitution. The Judicial power is the last named, and is designed to be as completely subjected to the legislative power as is possible without endangering its dignity, its just independence and its efficiency. All its judges from the highest to the lowest, are appointed by the Executive, with the consent of the Senate, and are measureably under the control of the legislative power. The Congress of the United States, whenever it chooses to exercise the power, can diminish or increase the number of Judges, and can impeach and remove them from office.

Next, in an increasing scale of these powers, comes the Executive Power, which is greater that the Judicial. Under the government of the United States, we find one man entrustd for a brief period, with greater actual power than all its Courts and Judges together. The President can appoint, (with the consent of the Senate,) the Chiefs of all the Bureaus in the whole Executive department of the Government, and remove them at pleasure. And the same is true of all the Consuls, Foreign Ministers, and Ambssadors of the nation. And we also remember that he appoints all the Judges and Justices of the Judicial department, and all the Marshals, who are to carry their decrees into effect, and removes the latter at pleasure. And in the same way he can make treaties. He can veto laws passed by Congress; and is the Commander-in-Chief of the Army and Navy of the United States, and commissions their officers. Indeed, in time of peace, the President of the United States possesses more actual power than has been exercised by the head of the English monarchy in twenty years; and in war, he is not only Commander-in-Chief of all the military power of the Union, but also of all the congregated nations of which the Union is composed, whenever their forces are called into its service.

But the other of these powers is the one which is first in importance, and is the one first named in the Constitution of the United States, and of this and all the other States.—

In all free, or even partially free, Constitutions, the legislative department is the highest and most grand of all. In our country it is not itself the Supreme power. (for that is left, where it actually is in every country, with the people themselves,) but it is the direct and immediate representative of the Supreme Power in the government. It is the only department which, (freely speaking,) is not controlled by law. It itself makes law. It is amenable to no punishment. It is answerable to no power on earth, except the people. It is sworn to support the Constitution, but even if it violates it, or neglects any other official duty, it cannot be punished, by any other tribunal which exists. It is responsible in no way to either of the other departments. It cannot be called in question for anything, by either of the other departments, or both of them together. But it can call in question their conduct. And it can, whenever it deems it proper, or necessary, impeach any or all of their officers, and remove any or all of them from their offices, whilst it itself remains undisturbed, and is as immoveable in its powers as the greater power which stands behind it, and annually raises it into being. And even to that greater power its members are not amenable, for they are but the embodiments of that very power itself; and even the people cannot punish us in the offices which we now hold, any more than they can punish themselves. For in the eyes of the government we are the people themselves, assembled in manageable numbers and controlled by a Constitution. And our duty consists mainly, in supervising all the other departments of the government, providing means for their support, and remedies for their abuses, and prescribing authoritative rules to guide and govern the business and intercourse of human life, so as to insure the greatest amount of human happiness.

Such, as you all know, is the theory upon which the three separate departments of our American governments are founded; and such are the relative powers, not usefulness but powers, of the several departments. And such then is the relative power of the three departments under this constitution; the humblest of which, as we have already seen, is, for some cause, aspiring to make itself greater than either of the others. When the *Judicial Department* of a free government is so happily organized and constituted, as to insure its humble and conscientious obedience to the laws, and a discharge of its unceasing and merciful duties, with integrity and probity, and without any reference to the importance of the individuals or the views of the individuals, who preside in its courts, it then becomes, perhaps, relatively speaking, the most useful of all the departments of government. But now let us go on and ascertain what has been done by this constitution, to secure this humble but truly great and even god-like branch of the government, against judicial corruption and usurpation. The best, because the quickest and most convincing way, in which we can do this, is to compare the constitutional checks and guards which have been thrown around that department, with those which surround the two other departments, under this same constitution.

By examining the State constitutions of former years, and those of recent adoption, it will be found that far greater checks are now thrown around the Executive Department, than was formerly customary. The example of the United States constitution is no longer followed in this respect, by the States. Fortunately for us the constitution of Iowa had adopted the progressive policy on this subject, and we find it in our own. The Governor is no longer allowed to control the Executive Department. In time of peace he is stripped of nearly all his great powers. The veto power, and the pardoning power, are about the only positive powers which are still left to him.—He is the Chief Magistrate of the State, and as such is the head of the Executive Department. All other chiefs of that department are subordinate to him. They are commissioned by him, and their annual reports must be made to him. But none of them are subjected to his interference in their duties. Except the Secretary of State (who, in my opinion, ought also to be elected) he does not appoint any of them. Nor are they responsible to him; nor subject to be removed by him. But they are elected by the people, like himself, and at the same times and for the same terms. And like himself they also are responsible to the Legislature for their official conduct Thus we see, at a glance, how completely that department is surrounded with checks. We see that the chief of that department and of the State itself, could not do much harm, even if he should grow ambitious, and allow mere vanity and self importance, to take the place of usefulness with reflection. We see that he of himself, could not draw a warrant, nor settle an account, nor pay out, nor hold, a dollar of the public money; without the consent of the other independent bureaus of his department. And that they all are a check upon each other.

So also we discover in the organization of the legislative department, that it is surrounded with many constitutional checks. Reason would seem to teach us, that if so much power should be entrusted to any body of men less than a majority of the electoral citizenship of the State, such body ought to be composed of more than two or three persons, and ought to have great checks thrown around its action.—And we find such to be the case. In the first place it is designed to contain great numbers: at present, though its representation is very small, it is composed of one hundred and thirteen men elected from different parts of the State. In the next place, its existence is as brief as possible, in order to allow it to accomplish anything at all, Every few months it is

completely dissolved, and carried back again into its original element (the people), from whence it was taken.

In the next place, it is completely split in two, and each part is set up to check or oppose the other, just as far as it pleases. These two parts are separate and distinct bodies, unequal in numbers, and each completely independent of the other, except that they shall both stay together as long, within the electoral year, as either one insists upon it. Both of them are equal in power, dignity, and responsibility; the only material difference being that but one half of the members of one body, are elected annually, and for a little longer period than those of the other. In the fourth place neither one of these bodies can pass any law. A majority of the one may agree to and pass any bill or draft for that purpose, but every word and sentence must be agreed to, and be also passed with due formality by the other, before it can become a law under any circumstances. In the fifth place, when a majority of both these bodies are brought to a perfect agreement, they cannot even then pass a law. The bill being passed by both of them must then be submitted to the chief of the Executive Department. If he vetoes, or sends it back refusing to agree to it, his reasons for so doing must be stated and recorded. And it must then be reconsidered and passed over again by two-thirds of the members in each body formally agreeing to it, and recording their individual names in favor of it, or it cannot become a law at all.

All these things are perfectly familiar to us, but the recital of them brings freshly to our minds, the great checks which are firmly and immovably thrown around the legislative department, and the executive department, of the government; imitating in this respect, the constitution of the Union, and of nearly all the republics of which it is composed. We find that with each of these departments every reasonable precaution is taken, to be relieved against the almost unavoidable abuses, and usurpations, which have never failed to tempt poor human nature, whenever it is clothed with extraordinary powers; and especially when it is prone to that trifling ambition which seeks mere personal fame, instead of that great ambition which is ever ready to loose and bury the individual, in the fame and glory of his country alone.

But now let us turn our minds upon the constitutional organization of the Judicial Department, which, in our State government, may, perhaps, be fairly and justly ranked as only second to the whole legislative department itself.

What checks do we find thrown around the action of this department? What immovable barriers do we see, calculated to prevent or even intended to hinder it from usurpations?—What guards do we see there, to prevent it from doing whatever its mere judges, shall please to do? What provisions do we discover, to secure it against mistakes? What plans do we detect, to guard it against wilful errors?—What arrangements can we point out, to prevent or hinder its actual corruptions; or to relieve the wronged against its corrupt or wilful decisions? Sir, none. Practically, and therefore properly, speaking, none whatever! Here the comparison of our constitution with that of the Union is totally at an end. Here, even its resemblance to the constitutions of any of the States which are the most renowned in their judicial history, can no longer even be traced.

Why is this? What is the reason for thrusting aside all the land marks, which experience has erected for our guide, and foisting into being this tremendous power, unguarded, unchangeable, except by changing the constitution, and practically irresponsible? Is it because it was thought safe, since this branch of the government was to be intrusted to the lawyers? The time was, when real lawyers, as a body, and almost as individuals, were great men, and just men. The time was when lawyers, from their constant devotion to the study of the principles and arguments of justice, learned well its quiet ways, and walked in them, with great thoughts, and honest, and upright minds. The time was when lawyers were an ornament to their country, because they were an aristocracy of intellect, learning, honesty, and morality. But that time has passed away. And now, it can neither be proved, nor safely affirmed, that, as a body, they are either models of virtue or paragons of intelligence. The time was, when lawyers were not made in one day, nor by paying for an entertainment. The time was, when, in portions of our own country, seven years preparatory study, and an actual, not an imaginary, but an actual good moral character, were necessary to make an attorney; and three years longer was necessary at the bar, before the attorney could assume the responsible position of a counsellor at law. And in England, whose laws and jurisprudence are still the basis of our own, I believe ten years of study and practice is still necessary, to attain a legal position, which I have seen repeatedly reached in California, in much less time than ten days. The time was when neither dishonest men, nor immoral men, nor tricksters, nor legal snobs, could hold high heads in courts of justice, or gain the highest positions, upon the very benches, where justice itself is supposed to sit enthroned. Then, the laws were read as a system, and their principles were taught with the certainty of a science, and never were these principles neglected or overlooked by courts, through ignorance, nor corruption, nor policy. Then, a knowledge of the laws, and their principles, was what gave strength and pre-eminence to the lawyer; now, political *influence*, or an intimacy with the Judges, is said to be frequently of more weight, than legal learning or ability. Then,

lawyers went into the trial of causes, with an accurate knowledge of the issues to be tried, and with the consciousness that the law, and not the opinion of the Judge, was to be administered; now, the trial of causes is not merely an honest contest for justice, and the triumph of legal principles, but rather the struggles of "smartness," trickery, and concealment. Then, councellors, who were not learned in the law, did not dare to go upon the bench; now, those in this State, who are the best qualified for the bench, stand no chance whatever, to be elevated to its humble but grand and sacred duties. Then, there might have been some show of reason and policy, in entrusting the administration of justice on the bench, to the hands of a few lawyers, whose great learning, renowned integrity, and profound obedience to the religion which originated the noblest precepts of our common law, might have enabled them, with the assistance of the still greater learning which then surrounded them at the bar, to administer justice, without variableness; or shadow of turning.

But even conceding that the legal profession was, at this day, and in this State, composed of all the learning, ability, and high morality, which ever characterized it, either in England, or America; still, did any one, even during the primest days of the legal profession, ever hear of the Supreme Judicial power of a great commercial State, being left in the hands of two lawyers. And not only that, but left to their discretion, without any constitutional guards against their conduct. And not only that, but also without any appeal from their decisions, in any case, however momentous the necessity, or however apparent their error?

Sir, such a judicial department, even in an old State, whose policy had been long settled, and whose laws had become nearly all passed upon and reduced to a system, would be dangerous and unwise, in the extreme. But for this new and immense empire of California, it is not merely an error, it is an enormity. It is not merely impolitic, it is outrageous. Two lawyers, it may be, unread, unlearned, vain, and confident, but inexperienced, and without any knowledge, or even belief in law, as a science; two men, who, it may be, would never be spoken of, nor thought of, as even men of good habits, or men whom you could safely appoint your private agents, and entrust even with your own individual property; two men, it may be, of gross sensuality, of uncontrolable vices, and of dangerous profligacy; may by the mere blunder, or accident, or thoughtlessness, of a partizan nomination, and a partizan support, become the supreme masters of all our courts, the interpreters of all our laws, the supreme arbiters of justice, between all this vast people; and the very depositors and guardians of all our rights to property, and even to liberty itself.

Sir, in the very monarchy of England, where the people do not govern themselves at all, where they do not enjoy our liberty, but are ruled by an aristocracy, and treated as the subjects of an hereditary sovereign, no such imprudent and reckless trust of the judicial power, is allowed, or tolerated. The whole House of Lords itself, all the peers of the realm, the whole body of the nobility of that vast nation, are alone entrusted with the great powers which we here actually repose in two California attornies at law! And yet we boast of making our government to suit ourselves, and pride ourselves upon having it as it ought to be. Why should we be so infatuated with names, and so forgetful of things? Why should we endure such self-inflicted tyranny? Why should we longer sustain a judicial system, which is only tending to bring the very name of courts and lawyers into just contempt?

It is idle to talk of the individuals who now chance to preside in that court. No human beings are entitled to any such powers, in any country which pretends to freedom, or to the least possible intelligence. And few human beings can possibly be found, who would not abuse it. The very men who are loudest in denouncing the individuals who have been presiding there, would be themselves, perhaps, still more unfit for the same position. But no mere individuals are worth talking about, or thinking about, in considering such a subject. Individuals are but the objects and instruments of government. And in the light of the principles upon which it is founded, they are but atoms of animated dust, who move and act to-day, and to-morrow are silent forever. None of the errors of this constitution are to be accounted for, and explained, by the mere abuse of individuals. It ought not to be so exposed to abuses. To censure individuals, is to censure the people who have placed them in power. The people have done no wrong; in theory, they never can do wrong; and whatever they do always must be right. They have done the best they could; and in my opinion they have had some as good and true friends in this government, for the past four years, as they have to-day. Indeed, perhaps, the majority of those who are now in office, have aided the people to elect the very men to power, who have hitherto struggled, but struggled in vain, to secure a good and prosperous government, under a bad and vicious constitution.

But, sir, I beg to state still other objections to the organization of our judicial department. It is not only limited by the constitution to three men, any two of whom can control its action, in its supreme court, but these three men are not even allowed to be elected in such a manner as to insure their being at all fit for the office. They cannot even be elected at a time when their own merits, and not the power of their party, would carry them into office.—They must be elected at the general election. Thus, the Legislature is not only deprived of the power of increasing their number, but, also, prohibited from providing for their election

at a time, when not mere party considerations must rule the canvass. And, a ain, as if it was expressly desired to prevent men of judicial experience from getting on the Supreme Bench, the Constitution declares that District Judges shall not be eligible to any other office during the term for which they are elected.—Thus, seeming to consider it an object, to prevent the election of men to the Supreme Court who, as District Judges, might prove themselves to be well qualified for the higher office. And, as it is, we are liable to see men elected, to the highest court of the State, who, at home, would not be deemed the best qualified in their districts, even for the inferior office of District Judges. We have already said they are practically irresponsible, and can make just such decisions as they please, The only mode of reaching them, is by the cumbersome mode of impeachment, which we have considered. But the impeachment of Judges with us would probably amount to nothing in any case, unless they had committed an actual crime or misdemeanor. For your system of government leaves them to decide as they please, and they are never without an excuse for deciding as they do. And you would never be likely to effect the punishment of a Judge for his ignorance, or any abuse of powers which are left to his wisdom, and discretion.

Indeed the entire system is not only full of great defects which would be soon felt in any country, but it is more completely unsuited to California than it would be, perhaps, to any other State in the Union. We all know that no State in the Union has such immense interests continually submitted to its judicial tribunals. And the immense speculations which have been engaged in by our people, and the vast interests which are claimed and owned, and now arriving at supposed perfection, and are about to be all turned over to the control and direction of our State courts, are of such magnitude, that our very safety and the security of property, depends upon their being submitted to more than two men. It would be wrong to attempt to conceal the fact, that if the sworn duty of the courts to uphold the law, should compel them to decide adversely to the popular interests of the residents upon our soil, or adversely to those believing they have genuine titles in them, their decision would not command anything like that respect, nor be calculated to awaken the same degree of public confidence and obedience, which would exist if such decisions were made by a more popular and numerously constituted court. Indeed, if we act with so little justice and propriety, as to leave their final adjudication to the mere determination of two or three lawyers who are left to decide them as they please, no man acquainted with the existing tendencies of our population, can attempt to answer for the consequences. To force our people to submit their entire rights to the most insignificant and recklessly organized court in the whole United States, will not answer. It will not give public satisfaction. It will not be conclusive evidence to all that justice alone has been the object of continuing such a court.

Besides Iowa, and this State, there are only four States in the whole Union (without a separate Court of Chancery) which is constitutionally prohibited from having more than three men to constitute their Supreme Appellate Courts. But not one of those, have left their organization so unguarded and completely reckless as this. I will name those four States, in order that all may judge whether their landed, mining, and commercial interests, are as immense as ours, and whether the magnitude of their litigation is habitually as vast and gigantic; and also whether they are so celebrated for the greatness of their judicial history, as to really demand our imitation, in spite of our reason. They are Illinois, Missouri, Arkansas, and Texas. All the older and more judicially renowned States, whose courts of justice rank highest in the Union, possess far different systems and greater judicial force in their courts of last resort. I will instance, if you please, the State of New York. And I will refer to that State only for the reason that owing to its geographical position (not to its inhabitants, for its inhabitants are largely composed of people from all the States, and from all portions of the world), and also owing to its immense commercial and other interests, it is the only State to be compared with this, in the immensity of the interests frequently involved in its litigations. But even that State does not equal our own in the frequency of its gigantic lawsuits, which are here not only frequent but annually increasing in their magnitude. When that State first acquired its great and just celebrity for the wisdom and ability of its judicial decisions, when that celebrity became so great, that a citizen of another State, and one of the most learned and distinguished jurists who ever sat in the Supreme Court of the United States, I mean the late Justice Story, paid its judiciary this extraordinary compliment: "I do not believe we can ever hope to see the law administered with more learning, dignity, and ability, than it has been by the late Judges of New York. They are entitled to, and have received, the universal homage of the whole Union:"—Then it was, that even the whole of those learned and well-renowned Judges, were not entrusted with the highest judicial power of that State. Its entire Senate was then its Court of last resort. And the knowledge of that fact alone, bore with tremendous weight, upon the Judges of its Supreme Court, and presented at once an impassable barrier to their assumptions, and an effectual and immovable check upon their usurpations. At this time the people of tha State are trying a different system, but it is no

impossible that giving due weight to all its advantages as well as disadvantages, it will prove that it has lost more than it has gained, by the experiment. At present its Supreme Appellate Court, called the Court of Appeals, consists of eight Judges, four of whom are elected by the State at large, and four are taken, at stated periods, from the Justices of its Supreme Court, who have served in that subordinate capacity for the longest period. Its Supreme Court, which is only an inferior court, can never be held by less than three, but may consist of more, of the District Judges. It is, therefore, required to be more numerously composed than our Supreme Court, although it is not their court of last resort. Our Constitution authorizes two Judges to hold our Supreme Court, and never requires more than two to decide any case whatever, and from their decision there is no appeal. The Judges in New York are to be elected by the people; but at such times as the Legislature may see fit to prescribe.

It is worthy of particular attention, that not one of the other States whose court of last resort is composed of but three men, has permitted either of the three to be elected at a general political election, whilst under this Constitution, that prohibited election, is the very one which is fixed upon. In Iowa, the Judges of the Supreme Court are elected by the joint vote of the two houses of the General Assembly. And the District Judges are elected at the town elections, held at a different time from the general elections. In Illinois, the Judges are elected by the people, but a different time from the general election, is fixed by the Constitution for that especial purpose. In Missouri, the Judges of the Supreme Court are appointed by the Governor, by and with the advice and consent of the Senate. And the Circuit Judges are elected by the people; but a special judicial election is there also expressly required by the Constitution; which exempts them as far as is possible from mere partisan control. In Arkansas they are elected by the joint vote of both houses of the Legislature. And in Texas, the only other State in the Union whose judiciary is constitutionally organized with such a trifling number of men in their courts of last resort (except Mississippi and Tennessee, where they each have a different judicial system and a separate Court of Chancery), in Texas, the Judges are all appointed by the Governor, by and with the advice and consent of *two thirds* of the Senate. I get this information from the Constitutions of all the States which I have named, as published within the last three years; and I presume I have stated it correctly. Besides the different modes of electing their Judges (which alone is of so much moment that our judicial system is no longer fit to be compared with theirs), the Constitutions of each of those States differ in other, and sometimes important respects, in relation to their judiciary. They generally impose particular qualifications which their Judges must possess; and take precautions against the three men who are to control their judicial power, being elected wholly from any one or two portions of the State; and contain other important precautionary measures. But our Constitution not only has none of the precautions which the others contain, but has none whatever, of any kind. Indeed, whilst of all the States in the Union, not one has such a migratory and unsettled population, or can possibly require such extreme caution in the selection of its Judges as our own, yet the provisions of our Constitution compel us to endure a system which is, in this respect also, completely destitute of any precautions, and is (soberly and truly) absolutely reckless.

How any man of sense can expect, or what reason he can have to suppose, that justice will ever be well and regularly, or even tolerably administered in this country, until there is a change of the Constitution, it is impossible for me to conceive. Our entire judicial system is wrong. The whole organization of our Courts, County, District and Supreme, is grossly defective; and the latter is undeniably, and, I think, most disgracefully bad. For my part, I have never yet heard a lawyer, or any one else, speak well of it, although I have been here ever since it was unfortunately and without necessity, and I think, without excuse, foisted upon our State by a vote of probably not one-fifth of the electors then in the country. And I confess, if I ever should find a man to speak well of our present judicial system, I would be forced to conclude, in spite of all charity, either that he was a Judge whose term of office has yet long to run, or that he spoke without candor and from interested motives, or else that he was destitute of the most ordinary intelligence.

Conclusion.

Sir, men may well ask how we could have gone on at all with our State Government even as far as we have, if this Constitution be really as grossly defective, as I have represented it to be. But, sir, we have not gone on. We have gone just where we might have been expected to go. We have gone backwards. We are going backwards now. Our public revenue, instead of increasing, is becoming comparatively less and less. And this government is perhaps imperceptibly, but in reality, sinking lower and lower in strength, efficiency and usefulness. And I confidently believe, that no man lives who will ever see us ascend and attain our true position, and the great prosperity and happiness which this country is so well calculated to afford us, until he sees this Constitution totally and thoroughly reformed.

Sir, the workings of this judicial system

have now been tried here for six years; and years ago, its failure was discovered and admitted, and measures were attempted for the Legislature to afford relief. But year after year and year after year, have men assembled in these halls, and heard the concealed complaints, then the stifled execrations, and then the universal whisperings of the people of the whole State against their Courts of Justice, and the mockery with which they generally perform their offices; until these complaints and execrations have become as loud and threatening and irrepressible, as the thunders of an outraged firmament, and have broken and burst asunder the withs and bands of law, in a thousand localities of the State. And if we ever intend to do anything at all for the relief of the country, it seems to me it is our duty to do so immediately.

Sir, in order to determine what course we ought to pursue upon this subject, let us look back, for an instant, to the conduct of our ancestors. Let us call up in our minds, the memories of Washington, Adams, Jefferson and Franklin; and hosts of men of their times, of equal honesty, probity, ability and patriotism. How would such men act under the same circumstances which now surround us? How would they conduct themselves under such political curses, as we, their descendants and countrymen, are enduring and permitting, here, in this American State? Would they have permitted themselves to be thus long and basely abused by a government so entirely unsuited to their condition and situation?—Would they live under an equally defective constitution, and encourage no reforms? Would they remain indifferent under such abuses, or turn traitors to every principle of true honor and patriotism? Would they remain indifferent to official depravity, and the increasing spirit of public immorality? Would they be guilty of the disgraceful conduct, of remaining inattentive to the welfare of any of the great States of the country of which they were citizens? Were they the kind of men to determine to flee from such a country as this, as soon as they could filch from its generous and prolific stores, the means of support? Would they ever cease to be Americans in any portion of America? Would they be guilty of seeing a great American State sinking into disgrace, without making an effort to redeem it? Indeed is such conduct becoming to citizens on any portion of American soil? Is any man of such thoughts and actions worthy of the *name* of an American? Sir, what is there in this country, which can induce good men to hate or desert it? I know of nothing whatever even to find fault with, except its government. In every other respect, it is not merely unsurpassed, but wholly unequalled by any other State whatever.

Indeed sir, where else in all this Union, where else on all this continent, is there a State so magnificent? And yet the tenderness and dangers of its infant years, are being passed amidst the greatest political indifference and abuses, which any American State has ever before endured, from those who claim to be its own citizens. Indeed it is blessed by nature, and cursed by nothing but what we ourselves can remove. Is it not our State; is it not our country? If not, then where is our State, where is our country? Probably none of us will ever again live permanently in any other. And in itself, certainly no State, either in history or in song, ever had so wonderful a beginning, or (with the blessing of God) so noble a career to pursue.

With resources more extensive and exhaustless than great nations and kingdoms possess; with a sea coast standing for a thousand miles upon the very ocean, whose commerce has excited the cupidity of all Europe for ages past, and is the coveted boon that has at length embroiled its greatest nations in destructive war; and with a soil and climate more blessed than Italy; what single State in all the limits of our country, is so happily prepared by nature, to sustain a great and happy nation. And what State among all our Republics, is more worthy to excite our pride, our patriotism, and our entire and absolute love and devotion?

No State ever before has been, or probably ever again can become, a part of the American Union, which is so rich, so vast, so magnificent, so lovely

Indeed California to America, is truly *more* than Italy to Europe.

It is true we have no architecture, no sculpture, no paintings, no ancient monuments, no "noble records of a heroic race:" still, Italy was without them once; and we have, in very truth, all the beauties of her sky, all the deliciousness of her climate, all the pleasure of her lasting summers, and none of her fevers, none of her malaria, none of her siroccos, nor her Pontine Marshes! Neither have we an Etna nor a Vesuvius; but of what use are they, unless to destroy still more Catanias, or to prolong the hours of a new Pompeii! She cannot approach the yield of our orchards, nor our grain fields; neither can her olive trees, her oranges, or her grapes, yield more abundantly than our own, although she be blessed in song as "the dear land of the olive and the vine." Nor, indeed, have we a Rome! But—Italy had no Rome once. And now we are young, we are new, we have but just found the she-wolf's breast. And behold now, the universal diffusion of knowledge, the wonderful achievements of art, and the amazing discoveries of science, in this, the period of our commencement—then remember hers! And then wait, in fancy, yet six hundred years, until our history be written! For we shall have a history, even more than Roman. And, what is more glorious for those who now live, our deeds have not already been achieved, and "grown

dim with age;" our monuments have not already been erected, and "fallen to decay;" but all, with us, is still in the future; our history is to be, written; our monuments are to be, erected.

Sir, of all who com ose her citizenship, today, of all who boast of the name of Americans, let not one of us imagine, that we are either fit to enjoy, or worthy even to inhabit a country, so lovely in itself, and so glorious in its destiny; if we remain any longer indifferent to the wicked deeds which have defiled her Courts; and the wretched laws and government, which are but strangling and corrupting her body, in the very infancy of its being.

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SPEECH

OF

THADDEUS STEVENS, OF PENNSYLVANIA,

ON

THE CALIFORNIA QUESTION.

Made in the House of Representatives, Night Session, June 10, 1850.

Mr. CHAIRMAN: How far Congress can legislate for the Territories, and admit new States into the Union, has been matter of grave discussion.

The power to admit new States is expressly given by the Constitution. But the extent of that power is by no means settled. In my judgment, it refers only to new States formed out of territory previously belonging to the nation. Such was the opinion of Mr. Jefferson, and I have never seen it successfully controverted. Clearly that clause conferred no diplomatic powers on Congress. Consequently, Congress could enter into no negotiation with foreign Powers; for that would be an act of diplomacy. The right to admit foreign independent nations into the Confederacy is nowhere given to Congress, either by direct grant or necessary implication. I do not believe it exists anywhere, except with the treaty-making power. This question will probably be seriously considered and finally decided, when Texas comes to subdivide her territory into States, and claim their admission into the Union, if that unfortunate event should ever happen.

The right of Congress, and the extent of that right, to legislate for the Territories, has become a question of fierce discussion by the ablest minds of the nation. For sixty years and upwards, after the passage of the Ordinance of 1787 and the adoption of the Constitution, no one seriously doubted the right of Congress to control the whole legislation of the Territories—to establish Territorial Governments; create courts; fix the tenure of the judges and other officers—in short, to exercise all acts of municipal as well as political legislation. For sixty years, all that authority has been exercised over the Northwestern Territory, the Southwestern Territory, over Louisiana, Florida, and Oregon. In the mean time, the question had been definitively and conclusively settled by all the branches of the Government—by Presidents, by Congresses, by repeated decisions of the Supreme Court of the United States. Elementary writers, Story, Rawle, and others, had so laid down the law.

It is only since our dismemberment of the Mexican Empire, that this question has been opened, and found able and apparently sincere statesmen totally to deny the power.

Those who, half a century hence, shall be led to examine the archives of the nation, will naturally inquire what new light had been shed on this subject; what new event had happened to disturb this well-settled opinion. It may possibly be found, that even in this free and enlightened Republic, men, statesmen and demagogues, were actuated by the same cupidity, lust of power and of office, which governed the people of the old and corrupt nations of the world. That an independent nation, without treaty and without warrant in the Constitution, by the mere act of Congress, was corruptly admitted into this Confederacy for the avowed purpose of extending the dominion of slavery; and that California and New Mexico were acquired for the same object. But that it was found that Congress, unexpectedly to the South, determined to exclude slavery from them; and had actually passed a bill for that purpose, through the House of Representatives; and it was lost in the Senate only for want of time. Then Southern statesmen discovered that the only chance they had of carrying out their original design, was to deny the power of Congress to pass such a law. They abandoned the position sanctioned by themselves, and by the prescription of sixty years, and boldly assumed this new attitude.

But to be successful, they must bring Northern aid to this new doctrine. They put in requisition the means which before had always availed them—the political weight of slavery. A Presidential election was approaching. He alone, who was willing to receive this new light, and surrender his conscience to its illumination, could receive their support. Among the most prominent of the aspirants to that high office was a gentleman of distinguished talents, of great scientific and legal attainments, who had reached the mature age of nearly three score years and ten. He was particularly versed in the Constitution and laws which regulate the Territories. He had grown up with them. He had filled several offices, and among them the highest in Territorial Governments established by Congress. He acknowledged the exclusive power of Congress over them, and its power to exclude slavery from them. He was prepared to vote for the Wilmot Proviso, and expressed great regret that he was deprived of the opportunity, by a debate which was protracted to the end of the session of 1846. There seemed but little hope, that his judgment, thus matured, his opinion formed with care, and consolidated by the action of a long life, could ever be so changed as to entitle him to Southern support. But miracles have not ceased in the moral, whatever may be the case in the physical world. Southern alchemy was applied; straightway a shaking was seen among the dry bones, and he stood up, regenerated, illuminated, and transformed. The scales fell from his ancient eyes, and he saw bright visions. He now denies to Congress the least power over the Territories! To vindicate, not his consistency, for that is hopeless, but his honesty, he has devoted thirty odd mortal pages of a speech, to show the error in-

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dulged in for the last sixty years, by Congresses, by Presidents, by Supreme Courts, by constitutional writers, and by himself.

I shall not attempt to follow his labored argument, especially as very few of his Southern allies now endorse it. All, however, must feel sincere regret that he changed his opinions under such peculiar circumstances.

My opinion as to the *extent* of the power of Congress in legislating for the Territories differs somewhat from those who admit the general and exclusive power.

The Supreme Court, the ultimate arbiter fixed by the People *finally* to decide all questions arising under the Constitution and laws of Congress, have, by repeated decisions, derived the exclusive power of Congress to legislate for the Territories from the clause in the Constitution which says—"*The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory and other property of the United States.*"

I do not suppose that any branch of this Government is at liberty practically to disregard these decisions. It would be as improper in the President, Congress, or any other functionary of the Government, as it would be in an individual. In him it would be a misdemeanor. If it were now on open question, I should hesitate to rest it wholly on that part of the Constitution. There is much weight in the argument that "*Territory*" is used in the singular number, and coupled with the phrase "*or other property belonging to the United States.*" It seems to have been intended to apply to a single Territory and the Government property therein. At the adoption of the Constitution, the United States owned but one Territory (the Northwestern.) Nor did the Constitution provide for the acquisition of any other. Clearly, no such power is given to Congress, either expressly or by necessary implication. It is to be found, if it exists anywhere in the Government, in the treaty-making power alone. The Supreme Court have fortified their opinion of the power of Congress over the Territories, as the necessary consequence of the right to acquire by treaty. If I were allowed to indulge my own judgment, I should place the right of Congress to legislate for the Territories acquired from foreign nations *wholly* in the consequences resulting from the right of acquisition.

By the law of nations, when a nation acquires Territory, either by conquest or treaty, it becomes subject to the will of the acquiring Power. The laws of such Power, however, do not spread over it until some express legislation. In the mean time, their own laws remain in full force. Not unfrequently such subject provinces are for a long time governed by very different laws from the country to which they become attached. Canada, and other British provinces, are to this day. But the very fact of acquisition gives to the sovereign power of the acquiring State all power to legislate for such acquisitions. It requires no constitutional or treaty provision. Wherever the legislative power of the new sovereign is placed, whether in King, Parliament, or Congress, there is the whole and only power to govern them.

Our Constitution places the legislative power in Congress. Consequently, Congress has exclusive power over the Territories newly acquired. The Constitution itself does not extend to them, and can have no influence upon them, except so far as it creates and defines the legislative organ of the sovereign will of the nation. None of the officers in the Territories hold by a constitutional tenure. No law of the United States was ever supposed to be extended to any of the Territories by the mere force of the Constitution. The provision for the return of fugitive slaves does not extend to the Territories. Any slave escaping or being taken into New Mexico or California, would be instantly free. Hence, by the act of 1793, express provision for the subject was made with regard to the Territories which we then had.

It follows that Congress alone has the exclusive power to legislate for the Territories; and that any action by the inhabitants in forming Governments for themselves, until authorized by Congress, is irregular, and, as is justly argued by the gentleman from Virginia, [Mr. SEDDON,] and other Southern gentlemen, mere usurpation. I do not think, however, it issuch usurpation as is to be treated as criminal; but may be either sanctioned or disallowed, as Congress may deem most conducive to the general welfare.

But it is contended, that although Congress has exclusive, it has not unlimited, jurisdiction. That it may and is bound to legislate to protect slavery, but cannot prohibit it.

A distinguished Senator from Kentucky [Mr. CLAY,] controverts this doctrine, and holds that Congress can abolish, prohibit, or *establish* slavery in the Territories.

I can agree to neither of these propositions. In support of the first, it is argued that the prohibition of slavery would violate the provision of the Constitution which says that "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." I can see no force in the argument. This article simply provides that the law shall not discriminate between citizens of the several States. Now, a law which prohibits *every* person from holding slaves in the Territories does not discriminate, but grants to all equal "privileges" and "immunities."

But such law is said to be partial, because a portion of our citizens cannot take their property with them. This is not true in point of fact. Every man may take his property, conforming to the local law when he gets there. If any of them possess property which by the law of nature or of man would be worthless, of course he will leave it behind. A large capital, in Pennsylvania, is invested in stock, tools, and implements for smelting and manufacturing iron. If it turns out, as I believe is likely to be the fact, that most of our newly-acquired territory has neither coal nor iron ore, what right had the General Government to expend the common treasure to purchase territory to which the Pennsylvania iron masters could not take their property without rendering it worthless? The argument is quite as cogent, and more just, than that used by the slaveholder.

The only fair inquiry is, do the same laws operate on all, without regard to the quantity or quality of their property, or the section from whence they come?

But it is said that such a law would violate the rights of the slaveholder, by depriving him of his property—his vested rights.

To divest him of property in slaves in free Territories, it must be first shown that he has such property. It is a principle of the common law, quite as sacred as the doctrine of vested rights, that by the *general* law man is not the subject of property; that he can be held in bondage only by express local law; and that, wherever the slave is beyond the jurisdiction of such local law, no matter how he gets there, he is free. This has never been doubted since the celebrated decision by Lord Mansfield, in the case of the negro Summersett. Nor does it make any difference whether the slave jurisdiction and the free jurisdiction belong to the same or different Governments. By the *common law*, if a slave escapes from a slave State into a free State, he is free. That principle of the common law, however, is prevented from operating in the States by a clause in the Constitution. But it is in full force in the Territories, to which that provision does not extend. The master, therefore, who takes his slave into free Territories, has no vested rights or property in him which can be impaired. The slave becomes a man, and has a vested and inalienable right to liberty.

While it is thus found that Congress has the right to prohibit and abolish slavery in the Territories, it does not follow that it has the power to *establish* it.

I admit that Congress has all legislative power over the Territories necessary for the legislation of a free Government, except when expressly restrained by the provisions of the Constitution, or *the fundamental principles of the Government*. It is not bound by the article which reserves to the States all powers not expressly granted to the United States.

Still, there are general principles restraining the power of Congress wherever it extends. There are certain other principles, not mentioned in the Constitution, which Congress cannot annul or violate, because they are the foundation of our Government. They are enumerated in the Declaration of Independence. Wherever those principles are not altered or overruled by express compact in the Constitution, they potentially control the action of the General Government. I admit that, in forming the organic law, they might have been repudiated. Some of them unfortunately were.

At first it was supposed that they controlled the State Governments also. It was decided by the judicial tribunals of some of the States, Massachusetts for one, that the Declaration of Independence abolished slavery without any legislative enactment. But it came to be more reasonably considered that the Declaration was not made by the States, but by the National Government, and that the principles of State rights and legislation must be sought for in State documents.

This Bill of Rights of the American nation declares liberty to be an inalienable right. Nor does the Constitution give Congress any power to restrain or take away this right, except in the case of fugitives from labor into other *States*. The legislative power of the several States is controlled by similar principles. They have generally formed a Declaration or Bill of Rights of their own.

I find that every free State has adopted a Bill of Rights similar to the following, which are to be found in those of Massachusetts and New Hampshire: "All men are born free and equal, and have certain natural, essential, and inalienable rights; among which are the right of enjoying and defending their lives and liberties; and that of acquiring, possessing, and protecting property."

Those Constitutions nowhere prohibit their Legislatures from establishing slavery, or violating vested rights. Yet I suppose that no sound statesman would contend that they could do either, because it would be inconsistent with the fundamental principles of their Government, as expressed in their Bill of Rights. It would, in my judgment, be equally preposterous to assert that Congress possessed such power, when the Bill of Rights of the nation declares liberty to be "inalienable."

I think it follows inevitably, that Congress may abolish or prohibit slavery wherever it has exclusive jurisdiction, but can establish it nowhere.

I should not have deemed it necessary to give any reasons now for such exclusion, had it not been lately repeatedly contended on this floor, and in the Senate, that slavery is a *blessing*. Northern gentlemen have here said that they do not view it with much horror; and my colleague from Luzerne [Mr. Butler] looks upon it as a religious or divine institution, if I rightly understood him. This seems to render it proper again to examine the character of the institution. This, I am aware, will bring down upon me all its venom.

When I ventured some time since to give my opinion freely of the real condition and evils of slavery, I expected to be assailed by the defenders of the institution. While that greatest, most honest, and most fearless, of modern statesmen, who was stricken down by death in this Hall, was, almost unaided, defending human rights, and denouncing the horrors of slavery, we saw him, from year to year, the object of the bitterest personal abuse in this House, and by the slave press everywhere. No motives were too foul to impute to him; no crimes too atrocious to charge upon him. It was sought to expel him from this body; and it was prevented only by his own gallant defence. Sir, I trust it will not be supposed that I have the vanity to expect to be touched by any of the rays of that glory which will forever surround his name, on account of the calumnies, the insults, and the persecutions, which he endured in this high and holy cause. But if I could indulge such hopes, gentlemen from the South, and those who are no gentlemen from the North, are kindly contributing to my ambitious aspirations. My late speech has been deemed of sufficient importance to attract attention, not to it, but to its author. Sir, our acts and our remarks here are legitimate subjects of comment and rigid examination; and when any humble effort of mine shall receive such notice in the only way which *gentlemen* will pursue, it will give me pleasure to retract what I am convinced is wrong, and calmly to defend the rest, however severe may be the criticism.

I do not remember one of the numerous gentlemen who have referred to my remarks, who has attempted to deny one of the facts, or refute one of the arguments; they have noticed them merely to vituperate their author. To such remarks there can be no reply by him who is not willing

to place himself on a level with blackguards. I cannot enter that arena. I will leave the filth and the slime of Billingsgate to the fish-women, and to their worthy coadjutors, the gentlemen from Virginia, [Mr. MILLSON,] from North Carolina, [Mr. STANLY,] from Kentucky, [Mr. STANTON,] from Tennessee, [Mr. WILLIAMS,] and all that tribe. With them I can have no controversy. When I want to combat with such opponents and such weapons, I can find them any day by entering the fish market, without defiling this Hall.

I beg those respectable fish-ladies, however, to understand that I do not include my colleague from Bucks county among those whom I deem fit to be their associates. I would not so degrade them.

There is, in the natural world, a little, spotted, contemptible animal, which is armed by nature with a fœtid, volatile, penetrating *virus*, which so pollutes whoever attacks it, as to make him offensive to himself and all around him for a long time. Indeed, he is almost incapable of purification. Nothing, sir, no insult shall provoke me to crush so filthy a beast!

Mr. Chairman, I crave your pardon for this unprofitable digression. I trust I shall never again be betrayed into a similar one, even to brush off these invading vermin.

When I turned off into this episode, I was stating that gentlemen on this floor, and in the Senate, had repeatedly, during this discussion, asserted that slavery was a moral, political, and personal blessing; that the slave was free from care, contented, happy, fat, and sleek. Comparisons have been instituted between slaves and laboring freemen, much to the advantage of the condition of slavery. Instances are cited where the slave, after having tried freedom, had voluntarily returned to resume his yoke. Well, if this be so, let us give all a chance to enjoy this blessing. Let the slaves, who choose, go free; and the free, who choose, become slaves. If these gentlemen believe there is a word of truth in what they preach, the slaveholder need be under no apprehension that he will ever lack bondsmen. Their slaves would remain, and many freemen would seek admission into this happy condition. Let them be active in propagating their principles. We will not complain if they establish societies in the South for that purpose—abolition societies to abolish freedom. Nor will we rob the mails to search for incendiary publications in favor of slavery, even if they contain seductive pictures, and cuts of those implements of happiness, handcuffs, iron yokes, and cat-o'-nine-tails.

If these Southern gentlemen and their Northern sycophants are sincere and correct, then I must admit that they have just cause of complaint—the only real aggression which the North ever inflicted on them. For it cannot be denied that for two centuries the North has mainly contributed to secure to a particular race the whole advantages of this blissful condition of slavery; and, at the same time, have imposed on the white race the cares, the troubles, the lean anxieties of freedom. This is a monopoly inconsistent with republican principles, and should be corrected. If it will save the Union, let these gentlemen introduce a "compromise," by which these races may change condition; by which the oppressed master may slide into that happy state where he can stretch his sleek limbs on the sunny ground without fear of deranging his toilet; when he will have no care for to-morrow; another will be bound to find him meat and drink, food and raiment, and provide for the infirmities and helplessness of old age. Impose, if you please, upon the other race, as a compensation for their former blessings, all those cares, and duties, and anxieties.

It may be objected that the white man is not fitted to enjoy that condition like the black man. Certainly, at first, it will be so. But let not that discourage him. He may soon become so.

I will not go into a discussion as to the original equality and identity of the human race. I am not learned in those things, nor, unfortunately, in any other. But I appeal to the learned men of this House, the gentleman from Alabama, [Mr. HILLIARD,] from Massachusetts, [Mr. MANN,] from Vermont, [Mr. MEACHAM,] to say if the ethnological researches of the past and present age—whether drawn from the physiology or the philology of tribes and nations of men—do not all corroborate the recorded fact that "*He hath made of one blood all nations of men;*" and that their present great variety in color, form, and intellect, is the effect of climate, habits, food, and education. Let not the white man therefore despair on account of the misfortune of his color. Homer informs us that the moment a man becomes a slave, he loses half the man; and a few short years of apprenticeship will expunge all the rest except the faint glimmerings of an immortal soul. Take your stand, therefore, courageously in the swamp, spade and mattock in hand, and uncovered, and half-naked, toil beneath the broiling sun. Go home to your hut at night, and sleep on the bare ground, and go forth in the morning unwashed to your daily labor, and a few short years, or a generation or two at most, will give you a color that will pass muster in the most fastidious and pious slave market in Christendom. Your shape also will gradually conform to your condition. Your parched and swollen lips will assume a chronic and permanent thickness of the most approved style. Your feet, unconfined by shoes, and accustomed to a marshy soil, will shoot out behind and sideways until they will assume the most delightful symmetry of slavery. Deprived of all education, cut off from all ambitious aspirations, your mind would soon lose all foolish and perplexing desires for freedom; and the whole man would be sunk into a most happy and contented indifference. And all these faculties, features, and color, would descend to your fortunate posterity; for no fact is better established than that the accidental or acquired qualities of body and mind are transmissible, and become hereditary. True, your descendants will be black, stupid, and ugly. But they would only be so many incontestable evidences of their natural right and fitness for the enjoyment of this state of moral, political, and personal happiness!

Among others, numerous clergymen are found defending this institution, and praising its *comforts* and *advantages*. The same spirit which induced them to defend tyranny in the time of the Charleses, and the Jameses; to maintain the divine right of Kings; to inculcate the duty of passive obedience and non-resistance; and to anathematize those who resisted the tyranny of

the "Lord's anointed"—prompts them now to take the side of the oppressor against the oppressed. They find the same kind of argument in the Scriptures to uphold slavery, that they then found to justify the despotism of profligate Kings. I shall not answer their absurd and blasphemous position. That has been effectually done by the honorable gentleman from Massachusetts, [Mr. FOWLER.] But I will say that these reverend parasites do more to make infidels than all the writings of Hume, Voltaire, and Paine. If it were once shown that the Bible authorized, sanctioned, and enjoined human slavery, no good man would be a Christian. It contains no such horrible doctrine. But if it did, it would be conclusive evidence, to my mind, that it is a spurious imposition, and not the WORD of the God who is the Father of men, and no respecter of persons.

I have before me a work by clergymen who maintain the above doctrine. They descant largely on the *comforts* of slavery. One of the heads of this pious discourse is, "*Slavery is a beneficent institution!*"

I know there are many degrees in the miseries of slavery. Some masters treat their servants with great kindness; others more severely; others with merciless cruelty, according to their dispositions, for that alone governs their conduct. But, notwithstanding this diversity in suffering, he must have a callous heart who can speak of the *beneficence* of slavery.

Dante, by actual observation, makes hell consist of nine circles, the punishments of each increasing in intensity over the preceding. Those doomed to the first circle are much less afflicted than those in the ninth, where are tortured Lucifer and Judas Iscariot—and I trust, in the next edition, will be added, the Traitors to Liberty. But notwithstanding this difference in degree, all from the first circle to the ninth, inclusive, is hell—cruel, desolate, abhorred, horrible hell! If I might venture to make a suggestion, I would advise these reverend perverters of Scripture to devote their subtlety to what they have probably more interest in—to ascertaining and demonstrating (perhaps an accompanying map might be useful) the exact spot and location where the most *comfort* might be enjoyed—the coolest corner in the Lake that burns with fire and brimstone!

But not only by honorable gentlemen in this House, and right honorable gentlemen in the other, but throughout the country, the friends of Liberty are reproached as "transcendentalists and fanatics." Sir, I do not understand the terms in such connection. There can be no fanatics in the cause of genuine Liberty. *Fanaticism is excessive zeal.* There may be, and have been, fanatics in false religion; in the bloody religion of the heathen. There are fanatics in superstition. But there can be no fanatics, however warm their zeal, in true religion, even although you sell your goods, and bestow your money on the poor, and go and follow your Master. There may be, and every hour shows around me, fanatics in the cause of false liberty—that infamous liberty which justifies human bondage; that liberty whose cornerstone is slavery." But there can be no fanaticism, however high the enthusiasm, in the cause of rational, universal Liberty—the liberty of the Declaration of Independence.

This is the same censure which the Egyptian tyrant cast upon those old abolitionists, Moses and Aaron, when they "agitated" for freedom, and, in obedience to the command of God, bade him let the people go.

But we are told by these pretended advocates of Liberty in both branches of Congress, that those who preach Freedom here and elsewhere are the slave's worst enemies; that it makes the slaveholder increase their burdens, and tighten their chains; that more cruel laws are enacted since this agitation began in 1835. Sir, I am not satisfied that this is the fact. I will send to the Clerk, and ask him to read a law of Virginia, enacted more than fifty years before this agitation began. It is to be found in the 6th volume of Hening's Statutes at Large of Virginia, published in 1819, "*pursuant to an act of the General Assembly of Virginia, passed on the 5th day of February*, 1808."

SEC. XXIV. "*And that when any slave shall be notoriously guilty of going abroad in the night, or running away and laying out, and cannot be reclaimed from such disorderly courses by common methods of punishment, it shall be lawful for the County Court, upon complaint and proof thereof to them made by the owner of such slave, to order and direct such punishment by* DISMEMBERING, *or any other way, not touching life, as the Court shall think fit. And if such slave shall die by means of such* DISMEMBERING, *no forfeiture or punishment shall be thereby incurred.*"

I have had that law read, to see if any gentleman can turn me to any more cruel laws passed since the "agitation." I did not read it myself, though found on the pages of Old Virginia's law books, lest it should make the modest gentleman from Virginia [Mr. MILLSON] and the gentleman from North Carolina [Mr. STANLY] and his gray-headed negro, blush!

[Mr. BAYLY of Virginia. That law is repealed, or not now in force.]

Mr. STEVENS. Then I am glad that the agitation has produced some amelioration of your laws, although I still find it on your statute-book.*

But suppose it were true that the masters had become more severe; has it not been so with tyrants in every age? The nearer the oppressed is to freedom, and the more hopeful his struggles, the tighter the master rivets his chains. Moses and Aaron urged the emancipation of the enslaved Jews. Their master hardened his heart. Those fanatical abolitionists, guided by Heaven, agitated anew. Pharaoh increased the burden of the slaves. He required the same quantity of brick from them without straw, as when the straw had been found them. They were seen dispersed and wandering to gather stubble, to make out their task. They failed, and were beaten with stripes. Moses was their worst enemy, according to these philanthropic gentlemen. Did the Lord think so, and command him to desist, lest he should injure them? No; he directed him to agitate again, and demand the abolition of slavery from the King himself. That great slaveholder still hardened his heart, and refused. The Lord visited him with successive plagues—lice, frogs, locusts, thick darkness—until, as the agitation grew higher, and the chains were tighter drawn, he smote the first-born of every house in Egypt; nor did the slaveholder relax the grasp

* I do not find that this law is repealed. But it is most probably not often executed, since, as shown by the Hon. Mr. Meade, Virginia has become a *breeding* State.

on his victims, until there was wailing throughout the whole land, over one dead in every family, from the King that sat on the throne to the captive in the dungeon. So I fear it will be in this land of wicked slavery. You have already among you what is equivalent to the lice and the locusts, that wither up every green thing where the foot of slavery treads. Beware of the final plague. And you, in the midst of slavery, who are willing to do justice to the people, take care that your works testify to the purity of your intentions, even at some cost. Take care that your door-posts are sprinkled with the blood of sacrifice, that when the destroying angel goes forth, as go forth he will, he may pass you by.

Aside from the principle of Eternal Right, I will never consent to the admission of another slave State into the Union, (unless bound to do so by some constitutional compact, and I know of none such,) on account of the injustice of slave representation. By the Constitution, not only the States now in the Union, but all that may hereafter be admitted, are entitled to have their slaves represented in Congress, five slaves being counted equal to three white freemen. This is unjust to the free States, unless you allow them a representation in the compound ratio of persons and property. There are twenty-five gentlemen on this floor who are virtually the representatives of slaves alone, having not one free constituent. This is an outrage on every representative principle, which supposes that representatives have constituents, whose will they are bound to obey, and whose interest they protect.

The slave representation should not be increased, for it already possesses a power dangerous to the Constitution. In the Senate, slavery has the power to reject all nominations to office who are not obedient to the institution. That power is exercised. The real leader of that body, a Senator from Mississippi, not long since, frankly declared in debate, that he would vote for no nominee who was tinctured with anti-slavery doctrines, or who had active friends that were. This power was notoriously and successfully brought to bear, several years since, against a distinguished and worthy gentleman, who was nominated to an office far below his merits, because he had spoken evil of the "dark spirit of slavery." Thus are Northern men held in duress!

This power *demands* from Congress "compromises," which shall increase its influence. Sir, this word "compromise," when applied to human rights, and constitutional rights, I abhor. We are not asked, but *commanded*, to compromise away the Constitution. It is well known that, when Congress assembled here, a large majority of its members, as well as a large majority of the people, were in favor of prohibiting slavery in all the Territories, and admitting no new slave States into the Union. It is a vital principle of the Constitution, that the will of a majority shall govern. But terror, treason, threats, are used to compel the majority to yield to a turbulent minority. The violence of passion, the recklessness of ambition, and the corruption of party, are all used to bring about this "compromise" of constitutional right. He who regards his oath to support the Constitution cannot thus surrender.

I shall not now particularly refer to the features of the most extraordinary conspiracy against liberty in the Senate, called the Compromise bill. If it should survive its puerperal fever, we shall have another opportunity of knocking the monster in the head. I pass over what is familiarly known as the "ten million bribe," which was evidently inserted for no other purpose than to create public opinion on 'change, and carry the bill.

But it is proposed to propitiate Virginia by giving her $200,000,000 out of the public Treasury, the proceeds of the public lands. If this sum were to be given for the purpose of purchasing the freedom of her slaves, large as it is, it should have my hearty support. It is, I think, at least fifty millions more than would pay for them all at a fair market price. But it is designed for no purpose of emancipation. The cool-headed, cool-hearted, philosophic author had no such "transcendental" object. It is to be specifically appropriated to exile her free people of color, and transport them from the land of their birth to the land of the stranger! Sir, this is a proposition not "fit to be made."

[Mr. AVERETT of Virginia here asked, Did not New England sell slaves?]

Mr. STEVENS. Yes, she sold, she imported slaves; she was very wicked; she has long since repented. Go ye and do likewise.

It is my purpose nowhere in these remarks to make personal reproaches; I entertain no ill-will towards any human being, nor any brute, that I know of, not even the skunk across the way to which I referred. Least of all would I reproach the South. I honor her courage and fidelity. Even in a bad, a wicked cause, she shows a united front. *All* her sons are faithful to the cause of human bondage, because it is *their* cause. But the North — the poor, timid, mercenary, drivelling North — has no such united defenders of her cause, although it is the cause of human liberty. None of the bright lights of the nation shine upon her section. Even her own great men have turned her accusers. She is the victim of low ambition—an ambition which prefers self to country, personal aggrandizement to the high cause of human liberty. She is offered up a sacrifice to propitiate Southern tyranny—to conciliate Southern treason.

We are told that she has not done her duty in restoring fugitive slaves, and that more stringent laws must be passed to secure that object. A distinguished Senator from Kentucky [Mr. CLAY] says it is the duty, not only of officers in the free States, but of all the people who happen to be present, to give active aid to the slave-owner to run down, arrest, and restore the man who is fleeing from slavery. An equally distinguished Senator from Massachusetts [Mr. WEBSTER] unites with him in denouncing the aggressions of the North in this particular; and they both declare their determination to vote for the bill, with its amendments, now on file, and which has become a part of the "Compromise."

It may be well to look a little at the law as it now stands on the subject, and then at the one which has enlisted such powerful support. By the Constitution alone, without any legislation, the slaveholder may go into a free State, take with him such force as he pleases, and take his slave and carry him back. If the fact of his slavery is disputed either by the alleged slave or any one for him, the claimant may issue his writ *de homine repligiando*, and unless the defendant

gives ample bail for his forthcoming on the final issue, and for the payment of all costs and damages, (which include the value of his services in the mean time,) the plaintiff may take him into his possession, and retain him until final trial by a court and jury. Is not this sufficient? It is all the right which he would have if he claims property in a horse, or other property which he might allege had strayed over the line. Why should he have any greater right when he claims property in man? Is a man of so much less value than a horse, that he should be deprived of the ordinary protection of the law? Sir, in my judgment, the remedy ought to be left where the Constitution places it, without any legislation; that the odious law of 1793 ought to be repealed.

By that law, the slaveholder may not only seize his slave and drag him back, but he may command the aid of all the officers of the United States Court; take his alleged slave before the judge, and after summary examination, without trial by jury, may obtain a certificate of property; which, for the purpose of removal, is conclusive of his slavery, takes away the writ of *habeas corpus*, and the right of trial by jury, and sends the victim to hopeless bondage. If an inhabitant of a free State sees a wretched fugitive, who he learns is fleeing from bondage, and gives him a meal of victuals to keep him from starving, and allows him to sleep in his out-house, although his master is not in pursuit of him, he is liable to the penalty of five hundred dollars. A judge in Pennsylvania lately held that a worthy citizen of Indiana county incurred such penalty by giving a cup of water and a crust of bread to a famishing man whom he knew to be fleeing from bondage. A slave family escaped from Maryland; went into Cumberland county, Pa., and obtained the reluctant consent of a worthy farmer to sleep in his hay-loft. Their owner did not pursue them for a week afterwards. It was held by a State court that the farmer was liable for the full value of the slaves, beside the $500 penalty, and a jury returned a verdict for $2,000 and costs. Such are some of the provisions of the law of 1793 now in force, which these great expounders of constitutional freedom hold to be too mild! And more stringent laws are to be passed to punish Northern men who have a heart!

The law which they propose to support doubles all these penalties. But that is not its most obnoxious feature. It expressly recognises slavery in the Territories.

In section 1 it provides, "That when a person held to service or labor in any *State* or *Territory* shall escape into any other of said States or Territories," &c.

We have no Territories except New Mexico and California, both of which are free by their present laws. This bill recognises slaves capable of fleeing from "Territories," and extends the fugitive laws to them. This settles the Wilmot Proviso most effectually, and seems to render it necessary somewhat to strengthen and "reënact the will of God."

It provides that the claimant may arrest such alleged fugitive, "and take him or her before any judge of the Circuit or District Court of the United States, or before any marshal, commissioner, or clerk of such court, or any postmaster of the United States, or collector of the customs residing or *being* within such State where such seizure or arrest shall be made; and upon proof to the satisfaction of such judge, commissioner, clerk, marshal, postmaster, or collector, as the case may be, either by oral testimony or *affidavit taken before and certified by any person authorized to administer an oath*, that the person so seized owes service or labor, &c., it shall be the duty of such judge, marshal, postmaster, &c., to give a certificate to such claimant, his or her agent or attorney, which shall be sufficient warrant for removing such fugitive to the State or *Territory* from which he or she may have fled."

An amendment proposed by the Committee of Thirteen provides, that the claimant may make up a record before a court in his own State, without notice to the alleged fugitive, proving his slavery and absconding; and, on producing this before the High Court of Tide Waiters or Postmasters, it shall be taken to be conclusive evidence of the facts; and on the production of which, those officers are *required* to give the certificate of slavery. These are most extraordinary tribunals. These are awful trials. Clerks of courts, marshals, collectors, and township postmasters, are transformed into high justiciaries, whose signature to a prepared certificate is to be conclusive of the liberty of human beings! They are the sole judges of the law and the evidence; and from their judgment there is no appeal. The *habeas corpus* is annulled; the trial by jury denied. The evidence, which they are bound to hold conclusive, may be made up *ex parte*, by affidavit or record, a thousand miles from the party whose safety is involved in it. If, on his arrest, he should be able to prove that he was born free, and had resided in a free State all his life, he is not permitted to do it. These *ex parte* records close his mouth, and stop up judicial ears. These learned judges—these tide waiters and country postmasters, who make no pretensions to legal learning, are compelled, not to judge, but to decide without judging, that the affidavit of a distant soul-dealer is evidence of slavery, which cannot be gainsaid. The slave-hunter may bring his postmaster-judge, as well as his proof, with him; for the law gives jurisdiction not only to one residing but *being* in the State where the arrest is made. Behold this court and jury to pass on human liberty!—an overseer, with a power of attorney; the affidavit of a professional slave-trader; an itinerant postmaster from Virginia signing judgment in a bar-room; the defendant, a hand-cuffed negro, without counsel, witnesses, or judge. Verily, a second Daniel has come to judgment.

A decree thus obtained, without a jury to pass on the facts, is to conclude the rights of man, and silence the law.

The distinguished Senator from Kentucky [Mr. CLAY] wishes further to make it the duty of all by-standers to aid in the capture of fugitives; to join the chase and run down the prey. This is asking more than my constituents will ever grant. They will strictly abide by the Constitution. The slaveholder may pursue his slave among them with his own foreign myrmidons, unmolested, except by their frowning scorn. But no law that tyranny can pass will ever induce them to join the hue and cry after the trembling wretch who has escaped from unjust bondage. Their fair land, made by nature and their own honest toil as fertile and as lovely as the vale of Tampe, shall never become the hunting-ground on which

the bloodhounds of Slavery shall course their prey, and command them to join the hunt.

Sir, this tribunal would be more odious than the Star Chamber—these officers more hateful than the Familiars of the Inquisition.

Can the free North stand this? Can New England stand it? Can Massachusetts stand it? If she can, she has but one step further to take in degradation, and that is to deliver her own sons in chains to Southern masters! What would the bold Barons of Runnymede have said to such defenders of Liberty? What would the advocates of English freedom, at any time, have said to those who would strike down the writ of *habeas corpus* and the right of trial by jury, those vital principles of *Magna Charta* and the Bill of Rights? They would have driven them forth as enemies in disguise.

Sir, I am aware of the temerity of these remarks. I know how little effect they will have, coming from so obscure a quarter, and being opposed by the mighty influences that create public opinion. I was struck with the sound sense of the remark made to-day by the gentleman from Tennessee [Mr. GENTRY.] He said that the "Compromise" bill was winning favor with the people, for the reason that it never could be, because it is advocated by great names in whom they are accustomed to confide.

Late events have convinced me that it were better in republican, representative Governments, where the People are to judge and decide on every measure, if there were no great, overshadowing names, to give factitious force to their views, and lead the public mind captive. If the People were to put faith in no man's argument, they would examine every question for themselves, and decide according to their intrinsic merit. The errors of the Small do but little harm; those of the Great are fatal. Had Lucifer been but a common angel, instead of the Chief of the morning stars, he had not taken with him to perdition the third of the heavenly hosts, and spread disunion and discord in celestial, and sin and misery in earthly places.

Sir, so long as man is vain and fallible; so long as great men have like passions with others, and, as in republics, are surrounded with stronger temptations, it were better for themselves if their fame acquired no inordinate height, until the grave had precluded error. The errors of obscure men die with them, and cast no shame on their posterity. How different with the Great!

How much better had it been for Lord Bacon, that greatest of human intellects, had he never, during his life, acquired glory, and risen to high honors in the State, than to be degraded from them by the judgment of his peers. How much better for him, and his, had he lived and died unknown, than to be branded through all future time as the

"Wisest, brightest, meanest of mankind?"

So now, in this crisis of the fate of liberty, if any of the renowned men of this nation should betray her cause, it were better that they had been unknown to fame. It need not be hoped that the brightness of their past glory will dazzle the eyes of posterity, or illumine the pages of impartial history. A few of its rays may still linger on a fading sky; but they will soon be whelmed in the blackness of darkness. For unless progressive civilization, and the increasing love of freedom throughout the Christian and civilized world, are fallacious, the SUN of LIBERTY, of *universal* liberty, is already above the horizon, and fast coursing to his meridian splendor, when no advocate of slavery, no apologist of slavery, can look upon his face and live.

NOTE.—Since this speech was delivered, I have read a very able work by Rev. Moses Stuart, lately theological professor at Andover. He speaks of the "*blessings and comforts*" of slavery. He says, "Christ doubtless felt that slavery might be made *a very tolerable condition—nay, even a blessing to such as were shiftless and helpless.*"—Page 46. This is flattering to the poor! His work is able, and contains a very glowing eulogy on the Hon. Daniel Webster, and rather a faint one on the Bible. His object seems to be to prove from Scripture the lawful and just; and the unlawful and unjust character of slavery. He proves that as soon as Moses and his people had got out of bondage, they turned kidnappers. The first hundred pages of the book prove, by numerous Scriptural texts, that slavery being instituted by God in old times, and sanctioned by Paul and the Apostles, is no sin [illegible] and then lectures the North, and exhorts them to forbearance towards their Southern brethren, many of whom he knows to be true Christians, as he once visited Charleston, and was treated with great kindness, respect, and hospitality.

After having fully proved the divine nature of slavery, and the unchristian character of those who revile Mr. Webster and the South, and send *him* anonymous letters, he takes a look at the other side, and addresses himself to slaveholders; and with great clearness and ability, (though in a short space,) demonstrates from the New Testament that slavery is a most sinful and wicked institution, *malum in se*, and opposed to the fundamental law of God! He clearly proves, not only from Scripture, but *aliunde*, that "all men are of one blood," and equal. Page 103, he says of slavery. "It is a glaring contradiction of the first and fundamental principle, not only of the Bible, which declares that all men are of one blood, but of our Declaration of Independence, which avers that all men are born with an *inherent and inalienable* right to life, *liberty, and property.* The South have universally subscribed to this, as well as the North."

Same page—"And if all this be true, then for one part of mankind to enslave another, stands on the single ground of *might prevailing over right*—neither the law of love, nor doing as we would be done by, permits any man to act on such ground and *be guiltless before God.*" (*Malum in se.*)

He speaks of [illegible] declares it to be a virtual state of concubinage, which is encouraged for the sake of increasing slave property. He proceeds to illustrate this from what he saw in the South, the mixed colors &c. Says it pervades *married* as well as single life; and, turning sharp upon his Southern friends, exclaims—"Retribution begins here in this life; but, O! what will it be in the life to come?" "*Whoremongers and adulterers, God will judge.*"—Heb. xiii, 4.

Fie! friend Stuart! "SPEAK EVIL OF NO MAN," as you say to Northern Abolitionists. How impartial! Verily, *this* Moses is a fair man.

Gift of C F Bassett

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SPEECH

OF THE

HON. CHARLES SUMNER,

OF MASSACHUSETTS,

ON THE

BARBARISM OF SLAVERY,

Delivered in the U. S. Senate, June 4th, 1860.

ALSO,

THE REPUBLICAN PLATFORM.

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Mr. Sumner said: Mr. President—Undertaking now, after a silence of more than four years, to address the Senate on this important subject, I should suppress the emotions natural to such an occasion if I did not declare on the threshold my gratitude to that Supreme Being through whose benign care I am enabled, after much suffering and many changes, once again to resume my duties here, and to speak for the cause which is so near my heart. To the honored Commonwealth, whose representative I am, and also to my immediate associates in this body, with whom I enjoy the fellowship which is found in thinking alike concerning the Republic, I owe thanks which I seize this moment to express for the indulgence shown me throughout the protracted seclusion enjoined by medical skill; and I trust that it will not be thought unbecoming in me to put on record here, as an apology for leaving my seat so long vacant, without making way, by resignation, for a successor, that I acted under the illusion of an invalid, whose hopes for restoration to his natural health constantly triumphed over his disappointments.

When last I entered into this debate, it became my duty to expose the crime against Kansas, and to insist upon the immediate admission of that Territory as a State of this Union, with a Constitution forbidding Slavery. Time has passed; but the question remains. Resuming the discussion precisely where I left it, I am happy to avow that rule of moderation, which, it is said, may venture even to fix the boundaries of wisdom itself. I have no personal griefs to utter; only a barbarous egotism could intrude these into this chamber. I have no personal wrongs to avenge; only a barbarous nature could attempt to wield that vengeance which belongs to the Lord. The years that have intervened, and the tombs that have been opened since I spoke, have their voices too, which I cannot fail to hear. Besides, what am I—what is any man among the living or among the dead compared with the question before us? It is this alone which I shall discuss, and I open the argument with that easy victory which is found in charity. The crime against Kansas stands forth in painful light. Search history, and you cannot find its parallel. The slave trade is bad; but even this enormity is petty compared with that elaborate contrivance by which, in a Christian age, and within the limits of a Republic, all forms of constitutional liberty were perverted; by which all the rights of human nature were violated, and the whole country was held trembling on the edge of civil war; while all this large exuberance of wickedness, detestable in itself, becomes tenfold more detestable when its origin is traced to the madness of slavery.

The fatal partition between freedom and slavery, known as the Missouri Compromise; the subsequent overthrow of this partition, and the seizure of all by slavery; the violation of plighted faith; the conspiracy to force slavery at all hazards into Kansas; successive invasions by which all security there was destroyed, and the electoral franchise itself trodden down; the sacrilegious seizure of the very polls, and, through pretended forms of law, the imposition of a foreign Legislature upon this Territory; the acts of this Legislature fortifying the usurpation, and, among other things, establishing the test oaths, calculated to disfranchise actual settlers, friendly to freedom, and securing the privileges of the citizen to actual strangers friendly to slavery; the whole crowned by a statute, "the be all and the end all" of the whole usurpation—through which slavery was not only recognized on this beautiful soil, but made to bristle with a code of death such as the world has rarely seen; all these I have exposed on a former occasion. And yet the most important part of the argument was at that time left untouched; I mean that which is found in the character of slavery. This natural sequel, with the permission of the Senate, I propose now to supply. Motive is to

crime as soul is to body; and it is only when we comprehend the motive that we can truly comprehend the crime. Here the motive is found in slavery and the rage for its extension. Therefore, by logical necessity, must slavery be discussed—not indirectly, timidly and sparingly, but directly, openly and thoroughly. It must be exhibited as it is; alike in its influence and in its animating character, so that not only its outside but its inside may be seen.

This is no time for soft words or excuses. All such are out of place. They may turn away wrath; but what is the wrath of man? This is no time to abandon any advantage in the argument. Senators sometimes announce that they resist slavery on political grounds only, and remind us that they say nothing of the moral question. This is wrong. Slavery must be resisted not only on political grounds, but on all other grounds, whether social, economical or moral. Ours is no holiday contest, nor is it any strife of rival factions—or white and red roses—of theatric Neri and Bianchi; but it is a solemn battle between right and wrong—between good and evil. Such a battle cannot be fought with excuses or with rose-water. There is austere work to be done, and Freedom cannot consent to fling away any of her weapons. If I were disposed to shrink from this discussion, the boundless assumptions now made by Senators on the other side would not allow me. The whole character of slavery as a pretended form of civilization is put directly in issue, with a pertinacity and a hardihood which banish all reserve on this side. In these assumptions, Senators from South Carolina naturally take the lead. Following Mr. Calhoun, who pronounced "Slavery the most safe and stable basis for free institutions in the world," and Mr. McDuffie, who did not shrink from calling it "the corner-stone of the Republican edifice, the Senator from South Carolina (Mr. Hammond) insists that "its forms of society are the best in the world; and his colleague (Mr. Chesnut) takes up the strain. One Senator from Mississippi (Mr. Davis) adds that Slavery "is but a form of civil government for those who are not fit to govern themselves;" and his colleage (Mr. Brown) openly vaunts that it "is a great moral, social, and political blessing—a blessing to the slave and a blessing to the master." One Senator from Virginia, (Mr. Hunter.) is a studied vindication of what he is pleased to call "the social system of the slaveholding States," exalts Slavery as "the normal condition of human society"—beneficial to the non-slave owner as it is beneficial to the slave owner"—best for the happiness of both races;" and, in enthusiastic advocacy, declares "that the very keystone of the mighty arch, which by its concentrated strength is able to sustain our social superstructure, consists in the black marble of African slavery. Knock that out," he says, "and the mighty fabric, with all that it upholds, topples and tumbles to its fall." These were his very words, uttered in debate here; and his colleague, (Mr. Mason,) who has never hesitated where slavery was in question, has proclaimed that it is enobling to both master and slave"—a word which, so far as the slave was concerned, he changed, on a subsequent day, to "elevating," assuming still that it is "ennobling" to the master—which is simply a new version of an old assumption, by Mr. McDuffie, of South Carolina, that "Slavery supersedes the necessity of an order of nobility."

Thus, by various voices, is the claim made for slavery, which is put forward defiantly as a form of civilization—as if its existence were not plainly inconsistent with the first principles of any thing that can be called civilization—except by that figure of speech in classical literature, where a thing takes its name from something which it has not, as the dreadful fates were called merciful because they were without mercy. And pardon the allusion, if I add, that, listening to these sounding words for slavery, I am reminded of the kindred extravagance related by that remarkable traveler in China, the late Abbe Huc, of a gloomy hole in which he was lodged, pestered by mosquitoes, and exhaling noisome vapors, where light and air entered only by a single narrow aperture, but styled by Chinese pride the Hotel of the Beatitudes. It is natural that Senators, thus insensible to the true character of slavery, should evince an equal insensibility to the true character of the Constitution. This is shown in the claim now made, and pressed with unprecedented energy, degrading the work of our fathers, that by virtue of the Constitution, the pretended property in man is placed beyond the reach of Congressional jurisdiction, so that the slave-masters may at all times enter the broad outlying Territories of the Union with the victims of his oppression, and there continue to hold them by lash and chain.

Such are the two assumptions—the first an assumption of fact, and the second an assumption of constitutional law, which are now made without apology or hesitation. I doubt them both. *To the first, I oppose the essential barbarism of slavery in all its influences, whether high or low, as Satan is Satan still, whether towering in the sky or squatting in the toad. To the second I oppose the unanswerable, irresistible truth, that the Constitution of the United States nowhere recognises property in man.* These two assumptions naturally go together. They are "twins" suckled by the same wolf. They are the "couple" in the present slave hunt. And the latter cannot be answered without exposing the former. It is only when slavery is exhibited in its truly hateful character that we can fully appreciate the absurdity of the assumption, which, in defiance of the express letter of the Constitution, and without a single sentence, phrase or word upholding human bondage, yet foists into this blameless text the barbarous idea that man can hold property in man.

On former occasions I have discussed slavery only incidently; as, in unfolding the principle that Slavery is sectional and Freedom national; in exposing the unconstitutionality of the Fugitive Slave bill; in vindicating the prohibition of slavery in the Missouri Territory; in exhibiting the imbecility throughout the Revolution of the Slave States, and especially of South Carolina; and, lastly, in unmasking the crime against Kansas. On all these occasions, where I have spoken at length, I have said too little of the character of Slavery, partly because other topics were presented, and partially from a strong disinclination which I have always felt to press the argument against those whom I knew to have all the sensitiveness of a sick man. But, God be praised, this time has passed, and the debate is now lifted from details to principles. Grander debate has not occurred in our history; rarely in any history; nor can this debate close or subside except with the triumph of Freedom.

First Assumption.—Of course I begin with the assumption of fact. It was the often quoted remark of John Wesley, who knew well how to use words, as also how to touch hearts, that Slavery was "the sum of all villainies." The phrase is pungent; but would be rash in any of us to criticise the testimony of that illustrious founder of Methodism, whose ample experience of Slavery in

Georgia and the Carolinas seems to have been all condensed in this sententious judgment. Language is feeble to express all the enormity of this institution, which is now vaunted as in itself a form of civilization, "ennobling" at least to the master, if not the slave. Look at it in whatever light you will, and it is always the scab, the canker, the "bare bones," and the shame of the country; wrong, not merely in the abstract, as is often admitted by its apologists, but wrong in the concrete also, and possessing no single element of right. Look at it in the light of principles, and it is nothing less than a huge insurrection against the eternal law of God, involving in its pretension the denial of all human rights, and also the denial of the divine law which God himself is manifest, thus being practically the grossest lie and the grossest Atheism. Founded in violence, and sustained only by violence, such a wrong must by a sure law of compensation blast the master as well as the slave; blast the lands on which they live; blast the community of which they are a part; blast the Government which does not forbid the outrage; and the longer it exists, and the more completely it prevails, must its blasting influences penetrate the whole social system. Barbarous in origin; barbarous in its law; barbarous in all its pretensions; barbarous in the instruments it employs; barbarous in consequences; barbarous in spirit; barbarous wherever it shows itself, slavery must breed barbarians, while it develops everywhere alike in the individual, and in the society of which he forms a part, the essential elements of barbarism. In this character it is now conspicuous before the world. In undertaking now to expose the barbarism of slavery, the whole broad field is open before me. There is nothing in its character, its manifold wrong, its wretched results, and especially in its influence on the class who claim to be "ennobled" by it, that will not fall naturally under consideration.

I know well the difficulty of this discussion involved in the humiliating truth with which I begin. Senators on former occasions revealing their sensibility, have even protested against any comparison between what were called the "two civilizations," meaning the two social systems produced respectively by freedom and slavery. The sensibility and the protest are not unnatural, though mistaken. "Two civilizations!" Sir, in this nineteenth century of Christian light, there can be but one civilization, and this is where freedom prevails. Between slavery and civilization, there is an immense incompatibility. If you are for the one, you cannot be for the other, and just in proportion to the embrace of slavery is the divorce from civilization. That slave-masters should be disturbed when this is exposed, might be expected. But the assumptions now so boastfully made, while they may not prevent the sensibility, yet surely exclude all ground of protest when these assumptions are exposed. Nor is this the only difficulty. Slavery is a bloody touch-me-not, and everywhere in sight new blooms the bloody flower. It is on the wayside as we approach the national Capitol; it is on the marble steps which we mount; it flaunts on this floor. I stand now in the house of its friends. About me, while I speak, are its most sensitive guardians, who have shown in the past how much they are ready either to do or not to do where slavery is in question. Menaces to deter me have not been spared. But I could ill deserve this high post of duty here, with which I have been honored by a generous and enlightened people, if I could hesitate. Idolatry has been often exposed in the presence of idolators, and hypocrisy has been chastised in the presence of Scribes and Pharisees. Such examples may give encouragement to a Senator who undertakes in this presence to expose slavery; nor can any language, directly responsive to the assumptions now made for this barbarism, be open to question. Slavery can only be painted in the sternest colors; but I cannot forget that nature's sternest painter has been called the best.

The barbarism of slavery appears first, in the character of slavery, and secondly, in the character of slave masters. Under the first head we shall naturally consider (1) the law of slavery and its origin, and (2) the practical results of slavery, as shown in a comparison between the free States and the slave States. Under the second head we shall naturally consider (1) slave masters as shown in the law of slavery; (2) slave masters in their relation with slaves, here glancing at their three brutal instruments; and (3) slave masters in their relations with each other, with society, and with government; and (4) slave masters in their unconsciousness. The way will then be prepared for the consideration of the assumption of constitutional law.

1. In presenting the character of slavery, there is little for me to do except to allow slavery to paint itself. When this is done, the picture will need no explanatory words.

(1.) I begin with the law of slavery and its origin, and here this barbarism paints itself in its own chosen definition. It is simply this: Man, created in the image of God, is divested of his human character and declared to be a "chattel"—that is, a beast, a thing or article of property. That this statement may not seem to be put forward without precise authority, I quote the statutes of three different States, beginning with South Carolina, whose voice for slavery always has an unerring distinctiveness. Here is the definition supplied by this State:

Slaves shall be deemed, held, taken, reputed and adjudged in law to be *chattels personal* in the hands of their owners and possessors, and their executors, administrators or assigns, to all intents, constructions and purposes whatsoever.—2 *Brev. Dig.*, 229.

And here is the definition supplied by the Civil Code of Louisiana:

A slave is one who is in the power of a master to whom he belongs. The master may sell him, dispose of his person, his industry and his labor. He can do nothing, possess nothing, nor acquire anything, but what must belong to his master.—*Civil Code, Art.* 35.

In similar spirit the law of Maryland thus indirectly defines a slave as an article:

In case the personal property of a Ward shall consist of specific articles, such as slaves, working beasts, animals of any kind, the Court, if it deem it advantageous for the Ward, may at any time pass an order for the sale thereof.—*Statistics of Maryland.*

Not to occupy time unnecessarily, I present a summary of the pretended law defining slavery in

all the slave States, as made by a careful writer, (Judge Stroud,) in a work of juridical as well as philanthropic merit:

The cardinal principle of slavery—that the slave is not to be ranked among sentient beings, but among things—is an article of property—a chattel personal—obtains as undoubted law in all of these (Slave) States.—*Stroud's Law of Slavery, p.* 22.

Foremost, of course, in these elements, is the impossible pretension, where barbarism is lost in impiety, by which man claims property in man. Against such arrogance the argument is brief. According to the law of Nature, written by the same hand that placed the planets in their orbits, and, like them, constituting a part of the eternal system of the universe, every human being has a complete title to himself direct from the Almighty. Naked he is born, but this birthright is inseparable from the human form. A man may be poor in this world's goods, but he owns himself. No war or robbery, ancient or recent, no middle passage, no change of clime, no capture, no purchase money, no transmission from hand to hand, no matter how many times, and no matter at what price, can defeat this indefeasible God-given franchise. And a divine mandate, strong as that which guards life, guards liberty also. Even at the very morning of creation when God said let there be light—earlier than the maledicition against murder—He set an everlasting difference between man and a chattel, giving to man dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

——That right we held
By his donation; but man over men
He made not lord, such title to himself
Reserving, human left from human free.

Slavery tyrannically assumes a power which Heaven denied, while under its barbarous necromancy, borrowed from the sources of evil, a man is changed into a chattel—a person is withered into a thing—a soul is shrunk into merchandise. Say, Sir, in your madness, that you own the sun, the stars, the moon; but do not say that you own a man, endowed with a soul that shall live immortal, when sun, and moon, and stars have passed away.

Out of this definition, as from a solitary germ, which in its pettiness might be crushed by the hand, towers our Upas tree and all its gigantic poison. Study it, and you will comprehend the whole monstrous growth.

Sir, look at its plain import, and see the relation which it establishes. The slave is held simply for the use of his master, to whose behests his life, liberty and happiness are devoted, and by whom he may be bartered, leased, mortgaged, bequeathed, invoiced, shipped as cargo, stored as goods, sold on execution, knocked off at public auction, and even staked at the gaming table, on the hazard of a card or die—all according to law. Nor is there anything within the limit of life inflicted on a beast which may not be inflicted on a slave. He may be marked like a hog, branded like a mule, yoked like an ox, hobbled like a horse, driven like an ass, sheared like a sheep, maimed like a cur, and constantly beaten like a brute; all according to law. And should life itself be taken, what is the remedy? The law of slavery, imitating that rule of evidence which in barbarous days and barbarous countries prevented a christian from testifying against a Mohamedan, openly pronounces the incompetency of the whole African race, whether bond or free, to testify in any case against a white man; and thus having already surrendered the salve to all possible outrage, crowns its tyranny by excluding the very testimony through which the bloody cruelty of the slave-master might be exposed. Thus in its law does slavery paint itself; but it is only when we look at details, and detect its essential elements—five in number—all inspired by a single motive, that its character becomes completely manifest.

Secondly—Slavery paints itself again in its complete abrogation of marriage, recognized as a sacrament by the Church, and recognized as a contract wherever civilization prevails. Under the law of slavery no such sacrament is respected, and no such contract can exist. The ties that may be formed between slaves are all subject to the selfish interests or more selfish lust of the master, whose license knows no check. Natural affections which have come together are rudely torn asunder; nor is this all. Stripped of every defence, the chastity of a whole race is exposed to violence, while the result is recorded in the telltale faces of the children, glowing with their master's blood, but doomed for their mother's skin to slavery through all descending generations. The Senator from Mississippi, (Mr. Brown) is galled by the comparaison between slavery and polygamy, and winces. I hail this sensibility as the sign of virtue. Let him reflect, and he will confess that there are many disgusting elements in slavery which are not present in polygamy, while the single disgusting element of polygamy is more than present in slavery. By the license of polygamy one man may have many wives, all bound to him by the marriage tie, and in other respects protected by law. By the license of slavery, a whole race is delivered over to prostitution and concubinage, without the protection of any law. Sir, is not Slavery barbarous?

Thirdly—Slavery paints itself again in its complete abrogation of the parental relation, which God in his benevolence has provided for the nurture and education of the human family, and which constitutes an essential part of civilization itself. And yet, by the law of Slavery—happily beginning to be modified in some places—this relation is set at naught, and in its place is substituted the arbitrary control of the master, at whose mere command little children, such as the Saviour called unto him, though clasped by a mother's arms, may be swept under the hammer of the auctioneer. I do not dwell on this exhibition. Sir, is not Slavery barbarous?

Fourthly—Slavery paints itself again in closing the gates of knowledge, which are also the shining gates of civilization. Under its plain, unequivocal law, the bondman may, at the unrestrined will of his master, be shut out from all instruction, while in many places, incredible to relate, the law itself, by cumulative provisions, positively forbids that he shall be taught to read. Of course the slave cannot be allowed to read, for his soul would then expand in larger air, helping truth that God, who made iron, never made a slave; for he would then become familiar with the Scriptures, with the Decalogue still speaking in the thunders of Sinai; with that ancient text, "He that stealeth a man and selleth him, or if he be found in his hands, he shall surely be put to death;" with that other text, "masters, give unto your servants that which is just and equal;" with that great story of redemption. When the Lord raised the slave-born Moses to deliver his chosen people from the house of bondage; and with that sublime story, where the Savior died a cruel death, that all

men, without distinction of race, might be saved, leaving to mankind commandments which, even without his example, make slavery impossible. Thus, in order to fasten your manacles upon your slaves, you fasten other manacles upon his soul. Sir, is not slavery barbarous?

Fifthly—Slavery paints itself again in the appropriation of all the toil of its victims, excluding them from that property in their own earnings which the law of nature allows, and civilization secures. The painful injustice of this pretension is lost in its meanness. It is robbery and petty larceny under the garb of law; and even its meanness is lost in the absurdity of its associate pretension that the African, thus despoiled of all his earnings, is saved from poverty, and that for his own good he must work for his master, and not for himself. Alas! by such a fallacy is a whole race pauperized. And yet this transaction is not without illustrative example. A solemn poet, whose verse has found wide favor, pictures a creature who

——With one hand put
A penny in the urn of poverty.
And with the other took a shilling out.
Pollock's Course of Time, Book VIII., 692.

And a celebrated traveler through Russia, more than a generation ago, describes a kindred spirit, who, while on his knees before an altar of the Greek Church, devoutly told his beads with one hand, and, with the other hand, deliberately picked the pocket of a fellow-sinner by his side. Not admiring these instances, I cannot cease to deplore a system which has much of both, while, under an affectation of charity, it sordidly takes from the slave all the fruits of his bitter sweat, and thus takes from him the mainspring to exertion. Tell me, sir, is not slavery barbarous?

Such is slavery in its five special elements of barbarism, as recognized by law; first, assuming that man can hold property in man; secondly, abrogating the relation of husband and wife; thirdly, abrogating the parental tie; fourthly, closing the gates of knowledge; and fifthly, appropriating the unpaid labor of another. Take away these elements, sometimes called "abuses," and slavery will cease to exist, for it is these very "abuses" which constitute slavery. Take away one of them, and the abolition of slavery begins. And when I present slavery for judgment, I mean no slight evil with regard to which there may be a reasonable difference of opinion, but mean this five fold embodiment of "abuse" this ghastly quincunx of barbarism—each particular of which, if considered separately, must be denounced at once with all the ardor of an honest soul, while the whole five-fold combination must awake a five-fold denunciation. But this five-fold combination becomes still more hateful when its single motive is considered. The Senator from Mississippi, (Mr. Davis,) says that it is "but a form of civil government for those who are not fit to govern themselves." The Senator is mistaken. It is an outrage where five different pretensions all concur in one single object, looking only to the profit of the master, and constituting its ever-present motive power, which is simply to compel the labor of fellow men without wages! If the offense of slavery were less extended; if it were confined to some narrow region; if it had less of grandeur in its proportions; if its victims were counted by tens and hundreds, instead of millions, the five-headed enormity would find little indulgence. All would rise against it, while religion and civilization would lavish their choicest efforts in the general welfare. But what is wrong when done to one man, cannot be right when done to many. If it is wrong thus to degrade a single soul—if it is wrong thus to degrade you, Mr. President—it cannot be right to degrade a whole race. And yet this is denied by the barbarous logic of slavery, which, taking advantage of its own wrong, claims immunity because its usurpation has assumed a front of audacity that cannot be safely attacked. Unhappily, there is barbarism elsewhere in the world; but American slavery, as defined by existing law, stands forth as the greatest organized barbarism on which the sun now shines. It is without a single peer. Its author, after making it, broke the die.

If curiosity carries us to the origin of this law—and here I approach a topic often considered in this chamber—we shall confess again its barbarism. It is not derived from the common law, that fountain of liberty; for this law, while unhappily recognizing a system of servitude, known as villenage, secured to the bondman privileges unknown to the American slave; protected his person against mayhem; protected his wife against rape; gave to his marriage equal validity with the marriage of his master, and surrounded his offspring with generous presumptions of Freedom unlike that rule of yours by which the servitude of the mother is necessarily stamped upon the child. It is not derived from the Roman law, that fountain of tyranny, for two reasons—first, because this law, in its better days, when its early rigors were spent—like the common law itself—secured to the bondman privileges unknown to the American slave—in certain cases of cruelty rescue him from his master—prevented the separation of parents and children; also of brothers and sisters—and even protected him in the marriage relation; and, secondly, because the thirteen colonies were not derived from any of those countries which recognised the Roman law, while this law, even before the discovery of this continent, had lost all living efficacy. It is not derived from the Mahomedan law; for under the mild injunctions of the Koran, a benignant servitude, unlike yours, has prevailed—where the lash is not allowed to lacerate the back of a female; where no knife or branding iron is employed upon any human being to mark him as the property of his fellow man; where the master is expressly enjoined to listen to the desires of his slave for emancipation; and where the blood of the master, mingling with his bond-woman, takes from her the transferable character of a chattle, and confers complete freedom upon their offspring. It is not derived from the Spanish law; for this law contains human elements, unknown to your system, borrowed, perhaps, from the Mahomedan Moors who so long occupied Spain; and, besides, our thirteen colonies had no umbilical connection with Spain. Nor is it derived from English statutes or American statutes; for we have the positive and repeated averment of the Senator from Virginia (Mr. Mason) and also of other Senators, that in not a single State of the Union can any statutes authorizing Slavery be found. From none of these does it come.

No, Sir, not from any land of civilization is this barbarism derived. It comes from Africa; ancient nurse of monsters; from Guinea, Dahomey and Congo. There is its orgin and fountain. This be-

nighted region, we are told by Chief Justice Marshall, in a memorable judgment, (the *Antelope*, 10 Wheaton R., 66,) still asserts a right, discarded by Christendom, to enslave captives taken in war; and this African barbarism is the beginning of American slavery; and the Supreme Court of Georgia—a slave State—has not shrunk from this conclusion. "Licensed to hold slave property," says the Court, "the Georgia planter held the slave as a chattel, either directly from the slave-trader, or from those who held under him, and he from the slave-captor in Africa. The property in the slave in the planter became thus the property of the original captor." (Neal vs. Farmer, 9 Georgia Reports, page 555.) It is natural that a right thus derived in defiance of Christendom should be exercised without any mitigating influence from Christianity that the master's authority over the person of his slave, over his conjugal relations, over his parental relations, over the employment of his time, over all the acquisitions, should be recognized, while no generous presumption inclines to freedom, and the womb of the bond-woman can deliver only a slave. From its home in Africa, where it is sustained by immemorial usage, this barbarism thus derived and thus developed, traversed the ocean to American soil. It entered on board that fatal slave ship, "built in the eclipse and rigged with curses dark," which in 1620 landed its cruel cargo at Jamestown, Va., and it has boldly taken its place in every succeeding slave ship from that early day till now—helping to pack the human freight, regardless of human agony; its countless victims plunged beneath the waves; and it has left the slave ship only to travel inseparable from the slave in its various doom, sanctioning by its barbarous code every outrage, whether of mayhem or robbery, of lash or lust, and fastening itself upon his offspring to the remotest generation. Thus, are the barbarous prerogatives of barbarous African chiefs perpetuated in American slave masters, while the Senator from Virginia, (Mr. Mason,) perhaps unconscious of the origin—perhaps desirous to secure for them the appearance of a less barbarous pedigree—tricks them out with a phrase of the Roman law, discarded by the common *partus sequitur ventrum*, which simply renders into ancient Latin an existing rule of African barbarism, recognized as an existing rule of American slavery. Such is the plain judicial origin of the American slave code, which is now vaunted as a badge of civilization. But all law, whatever may be its judicial origin, whether English or Mahomedan, Roman or African, may be sometimes of right, and sometimes of wrong. Surely the law which blasted the slave-trade as a piracy, punishable with death, had a different inspiration from that other law, which secured immunity for the slave-trade throughout an immense territory, and invested its supporters with political power. As there is a higher law above, so there is a lower law below, and each is felt in human affairs.

Thus far, we have seen slavery only in its pretended law, and in the origin of that law. And here I might stop, without proceeding in this argument; for on the letter of the law alone slavery must be condemned. But the tree is known by its fruits, and these I now shall exhibit; and this brings me to the second stage of the argument.

2. In considering the practical results of slavery, the materials are so obvious and diversified, that my chief care will be to abridge and reject; and here I shall put the slave States and free States face to face, showing at each point the blasting influence of slavery.

The States where this barbarism now exists excel the free States in all natural advantages. Their territory is more extensive, stretching over 851,448 square miles, while the free States, including California, embraces only 612,597 square miles. Here is a difference of more than 238,000 square miles in favor of the slave States, allowing that freedom starts in this great controversy with a field more than a quarter less than that of slavery. In happiness of climate, adapted to productions of special value; in exhaustless motive power distributed throughout its space; in natural highways, by more than fifty navigable rivers, never closed by the rigors of winter, and in a stretch of coast along ocean and gulf, indented by hospitable harbors—the whole presenting incomparible advantages for that true civilization where agriculture, manufactures and commerce, both domestic and foreign, blend—in all these respects the slave States excel the free States, whose climate is often churlish, whose motive power is less various, whose navigable rivers are fewer and often sealed by ice, and whose coast, while less in extent and with fewer harbors, is often perilous from storm and cold. But slavery plays the part of a harpy, and defiles the choicest banquet. See what it does with this territory, thus spacious and fair.

An important indication of prosperity is to be found in the growth of population. In this respect the two regions started equal. In 1790, at the first census under the Constitution, the population of the present Slave States was 1,961,372, of the present Free States 1,968,455, showing a difference of only 7,083 in favor of the Free States. This difference, at first merely nominal, has been constantly increasing since, showing itself more strongly in each decenial census, until in 1850, the population of the Slave States, swollen by the annexation of three foreign territories—Louisiana, Florida, and Texas—was only 9,612,759, while that of the Free States without any such annexations, reached 13,434,922, showing a difference of 3 822,153 in favor of freedom. But this difference becomes still more remarkable, if we confine our inquiries to the white population, which at this period, was only 6,184,477 in the Slave States, while it was 13,238,670 in the Free States, showing a diffenenc of more than 7,054.198 in favor of freedom, and showing that the white population of the Free States had not only doubled, but commenced to tripple that of the Slave States, although occupying a similar territory. The comparative sparceness of the two populations furnishes another illustration. In the Slave States the average number of inhabitants to the square mile was 11.28, while in the Free States it was 21.93, or almost two to one in favor of freedom. These results are general; but if we take any particular Slave State and compare it with a Free State, we shall find the same constant evidence for freedom. Take Virginia, with a territory of 61,352 miles, and New York, with a territory of 47,000, or over 14,000 square miles less than her sister State. New York has one seaport, Virginia some three or four; New York has one noble river, Virginia has several; New York, for four hundred miles,

runs along the frozen line of Canada; Virginia basks in a climate of constant felicity. But freedom is better than climate, rivers or seaport. In 1790 the population of Virginia was 748,308, and in 1850 it was 1 421,661. In 1790 the population of New York was 340,120, and in 1850 it was 3,097,394; that of Virginia was not doubled in sixty years, while that of New York had multiplied more than nine fold. A similar comparison may be made between Kentucky, with 37,680 square miles, admitted into the Union as long ago as 1790, and Ohio, with 39,964 square miles admitted into the Union in 1802. In 1850 the Slave State had a population of only 582,405, while Ohio had a population of 1,980,329—showing a difference of nearly a million in favor of freedom.

As in population, so also in the value of property, real and personal, do the free States excel the slave States. According to the census of 1850, the value of property in the free States was $4,107,-162,198, while in the slave States it was $2 936,-090,737; or, if we deduct the asserted property in human flesh, only $1,655,945,137—showing an enormous difference of billions in favor of freedom. In the free States the valuation per acre was $10 47; in the slave States only $3 04. This disproportion was still greater in 1855, according to the report of the Secretary of the Treasury, when the valuation of the free States was $5,770,194,686, or $14 72 per acre; and of the slave States, $3,977,-353,946; or, if we deduct the asserted property in human flesh, $2,505,186 346, or $4 59 per acre. Thus, in five years from 1850, the valuation of property in the free States received an increase of more than the whole accumulated valuation of the slave States at that time. Looking at details, we find the same disproportions. Arkansas and Michigan, equal in territory, were admitted into the Union in the same year; and yet, in 1855, the whole valuation of Arkansas, including its asserted property in human flesh, was only $64,240,726; while that of Michigan, without a single slave, was $116,593,580. The whole accumulated valuation of all the slave States, deducting the asserted property in human flesh, in 1850, was only $1,655,-945,137; but the valuation of New York alone, in 1855, reached the nearly equal sum of $1,401,285,-279. The valuation of Virginia, North and South Carolina, Georgia, Florida and Texas, altogether, in 1850, deducting human flesh, was $573,332,860, or simply $1 81 per acre—being less than that of Massachusetts alone, which was $573,342,286, or $114 85 per acre.

The slave States boast of agriculture; but here again, notwithstanding their superior natural advantages, they must yield to the free States at every point, in the number of farms and plantations, in the number of acres of improved lands, in the cash value of farms, in the average value per acre, and in the value of farming implements and machinery. Here is a short table:

	Free States.	Slave States.
Number of farms.....	877,726	564,203
Acres of improved land....	57 638,640	54,970,427
Cash value of farms.....$2,143,344,437		1,117,649,649
Average value per acre....	$17 83	6 18
Value of farming implem'ts	$85,736,618	65,345,625

Such is the mighty contrast. But it does not stop here. Careful tables place the agricultural products of the free States, for the year ending June, 1850, at $858 634.334, while those of the slave States were $631,277,417; the product per acre in the free States at $7 94, and the product per acre in the slave States at $3 49; and the average product of each agriculturist in the free States at $342, and in the slave States at $171. Thus the free States, with a smaller population engaged in agriculture than the slave States, with smaller territory, show an annual sum total of agricultural products surpassing those of the slave States by two hundred and twenty-seven millions of dollars, while twice as much is produced on an acre, and more than twice as much is produced by each agriculturist. The monopoly of cotton, rice and sugar cane, with a climate granting two, and sometimes three crops in a year, are thus impotent in the competition with Freedom.

In manufactures the failure of the slave States is greater still. It appears at all points—in the capital employed, in the value of the raw material, in the annual product. A short table will show the contrast:

	Free States.	Slave States.
Capital.....$430,240,051		$95.029.879
Value of raw material.	465,844.092	86,190,639
Annual wages.....195,976.453		33,257,390
Annual product.....842,586,658		165,413,027

This might be illustrated by details with regard to different manufactures—whether of shoes, cotton, woolen, pig-iron, wrought iron, and iron castings—all showing the contrast. It might also be illustrated by a comparison between different States—showing, for instance, that the manufacture of Massachusetts, during the last year, exceeded those of all the slave States combined.

In commerce, the failure of the Slave States is on yet a larger scale. Under this head the census does not supply proper statistics, and we are left, therefore, to approximations from other quarters; but these are enough for our purpose. It appears that, of the products which enter into commerce, the Free States had an amount valued at $1,377,-199,968; the Slave States an amount valued only at $410,754,992; that of the persons engaged in trade, the Free States had 135,856, and the Slave States 52,622; and that of the tonnage employed, the Free States had 2,790,195 tons, and the Slave States only 726,285. But in 1855, the disproportion was still greater, the Free States having 5,252.615 tons, and the Slave States 855,517 tons, being a difference of five to one; and the tonnage of Massachusetts alone being 970,727 tons, an amount larger than that of all the Slave States. The tonnage built during this year by the Free States was 528,844 tons; by the Slave States, 52,950 tons. Maine alone built 215,905 tons, or more than four times the whole built in the Slave States. The foreign commerce, as indicated by the exports and imports in 1855, of the Free States, was $404,358,562; of the Slave States, $132,067,-216. The exports of the Free States were $167,-520,693; of the Slave States, including the vaunted cotton crop, $132.007.216. The imports of the Free States were $236,847,810; of the Slave States, $24,586,528. The foreign commerce of New York alone was more than twice as large as that of all the Slave States; her imports were larger, and her exports were larger also. Add to this testimony of figures the testimony of a Virginian, Mr. Loudon, in a letter written just before the sitting of a Southern Commercial Convention. Thus he complains and testifies:

There are not half a dozen vessels engaged in our own trade that are owned in Virginia; and I have been unable to find a vessel at Liverpool

loading or Virginia within three years, during the height of our busy season.

Railroads and canals are the avenues of commerce; and here again the free States excel. Of railroads in operation in 1854, there were, 13,105 miles in the free States, and 4 212 in the slave States. Of canals there were 3,682 miles in the free States, and 1,116 in the slave States.

The Postoffice, which is not only the agent of commerce, but of civilization, joins in the uniform testimony. According to the tables for 1859, the postage collected in the free States was $5 532,999, and the expense of carrying the mails $6,748,189, leaving a deficit of $1,215,189. In the slave States the amount collected was only $1,988,050, and the expense of carrying the mails $6 016,612, leaving the enormous deficit of $4,023,568; the difference between the two deficits being $2,813,372. The slave States did not pay one third of the expense of transporting their mails, and not a single slave State paid for the transportation of its mails, not even the small State of Delaware. Massachusetts, besides paying for hers, had a surplus larger than the whole amount collected in South Carolina. According to the census of 1850, the value of churches in the free States was $67,773,477; in the slave States $21,674 531. The voluntary charity contributed in 1855, for certain leading purposes of Christian benevolence, was, in the free State, $953,813; for the same purposes in the Slave States, $194,784. For the Bible cause, the Free States contributed $319 667; the Slave States, $68,125. For the missionary cause, the first contributed $319,667, and the second $101.934. For the Tract Society, the first contributed $131,972, and the second $24,725. The amount contributed in Massachusetts for the support of missions was greater than that contributed by all the Slave States and more than eight times that contributed by South Carolina. Now have the Free States been backward in charity when the Slave States have been smitten. The records of Massachusetts show that as long ago as 1781, at the beginning of the Government, there was an extensive contribution throughout the Commonwealth under the particular direction of that eminent patriot, Samuel Adams, for the relief of inhabitants of South Carolina and Georgia. In 1855 we were saddened by the grievance of yellow fever in Portsmouth, Va; and, now, from a report of the Relief Committee of that place, we learn that the amount of charity contributed by the Slave States, exclusive of Virginia, the afflicted State, was $12,182; and including Virginia it was $33.398, while $47,547 were contributed by the Free States.

In all this array we see the fatal influence of Slavery; but its barbarism is yet more conspicuous when we consider its educational establishments, and the unhappy results which naturally ensue from their imperfect character. Of colleges, in 1856, the Free States had 61, and the Slave States 59; but the comparative efficiency of the institutions which assume this name may be measured by certain facts. The number of graduates in the Free States was 47.752, in the Slave States 19,648; the number of ministers educated in Slave colleges was 747, in the Free colleges 10,702; and the number of the volumes in the libraries of Slave colleges 308,011; in the libraries of the Free colleges 667,227. If the materials were at hand for a comparison between these colleges, in buildings, cabinets and scientific apparatus, or in the standard of scholarship, the difference would be still more apparent. Of professional schools, teaching law, medicine and theology, the Free States had 65, with 269 professors, 4,426 student, and 175,951 volumes in their libraries; while the slave States had only 32 professional schools, with 122 professors, 1,807 students, and 30,796 volumes in their libraries. The whole number educated at these institutions in the Free States was 23 513, in the Slave States 4,812. Of these, the largest number in the Slave States study law, next medicine, and lastly, theology. According to the census there are only 808 in the slave theological schools, and 747 studying for the ministry, in the slave colleges; and this is all the record we have of the education of the slave clergy. Of academies and private schools, in 1855, the free States, notwithstanding their multitudinous public schools, had 3,197, with 7,175 teachers, 154,893 pupils, and an annual income of $2,079,724. In the absence of public schools, to a large extent, where slavery exists, the dependence must be chiefly upon private schools; and yet even in these the slave States fall below the free States, whether we consider the number of pupils, the number of teachers, or the amount paid for their support. In public schools, open to all alike, the poor and the rich, the eminence of the free States is complete. Here the figures show a difference as wide as that between freedom and slavery. Their number in the free States is 62,433, with 72,621 teachers, and with 2,769,901 pupils, supported by an annual expense of $6,780,337. Their number, in the slave States, is 18,507, with 19,307 teachers, and with 581,861 pupils, supported by an annual expense of $2 719 534. This difference may be illustrated by details. Virginia, an old State, and more than a third larger than Ohio, has 67 353 pupils in her public schools, while the latter State has 484,153. Arkansas, equal in age and size with Michigan, has only 8,493 pupils in her public schools, while the latter State has 110,455. South Carolina, three times as large as Massachusetts, has 17,838 pupils at public school, while the latter State has 176 475. South Carolina spends for this purpose, annually, $200,600; Massachusett, $1 006,795. Baltimore, with a population of 169,012, on the northern verge of Slavery, has school buildings valued at $105,729; those of Boston are valued at $729,602. Boston, with a population smaller than that of Baltimore, has 203 public schools, with 353 teachers, and 21,678 pupils, supported at an annual expense of $237,000; Baltimore has only thirty-six public schools, with 138 teachers and 8,011 pupils, supported at an annual expense of $32,423. But even these figures do not disclose the whole difference; for there exist in the Free States teachers' institutes, normal schools, lyceums, and public courses of lectures, which are unknown in the region of Slavery. These advantages are enjoyed also by the children of colored persons; and here is a comparison which shows the degradation of the Slave States. It is their habit particularly to deride free colored persons. See, now, with what cause. The number of colored persons in the Free States is 196,016, of whom 22,043, or more than one-ninth, attend school, which is a larger proportion than is supplied by the whites of the States. In Massachusetts there are 9 064 colored persons, of whom 1,439, or nearly one-sixth, attend school, which is a much larger proportion than is supplied by the whites of South Carolina.

Among educational establishments are public libraries; and here, again, the free States have their customary eminence, whether we consider libraries strictly called public, or libraries of the

common school, of the college, and of the church. Here the disclosures are startling. The number of libraries in the free States is 14,911, and the sum total of volumes is 3,888,234; the number of libraries in the slave States is 695, and the sum total of volumes is 649,577; showing an excess for freedom of more than fourteen thousand libraries and more than three millions of volumes. In the free States the common school libraries are 11,881, and contain 1,589,683 volumes; in the slave States they are 186, and contain 57,721 volumes. In the free States the Sunday school libraries are 1,743, and contain 478,858 volumes; in the slave States they are 275, and contain 63,463 volumes. In the free States the college libraries are 132, and contain 660,573 volumes; in the slave States they are 79, and contain 249,248 volumes. In the free States the church libiaries are 109, and contain 52,723 volumes; in the slave States they are 21, and contain 5,627 volumes. In the free States the libraries strictly called public, and not included under the heads already enumerated, are 1,058, and contain 1,106 397 volumes; those of the slave States are 152, and contain 273,518 volumes. Turn these figures over, look at them in any light, and the conclusion will be irresistible for Freedom. The college libraries alone of the free States are greater than all the libraries of slavery. So, also, are the libraries of Massachusetts alone greater than all the libraries of slavery; and the common school libraries alone of New York are more than twice as large as all the libraries of slavery. Michigan has 107 943 volumes in her libraries; Arkansas has 420. Among educational establishments, one of the most efficient is the Press; and here again all things testify for Freedom. The free States excel in the number of newspapers and periodicals published, whether daily, semi-weekly, weekly, semi-monthly, monthly or quarterly, and whatever their character, whether literary, neutral, political, religious or scientific. The whole aggregate circulation in the free States is 334,146,281; in the slave States, 81,038 693. In free Michigan, 3 247,736; in slave Arkansas, 377,000. In free Ohio, 30,473 407; in slave Kentucky, 6,582,888. In slave South Carolina, 7,145,930; in free Massachusetts, 64,820,564 — a larger number than in the ten slave States, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, and Texas, combined. This enormous disproportion in the aggregate is also preserved in the details. In the slave States, political newspapers find more favor than any others; but even of these they publish only 47,243.209 copies, while the free States publish 163,583,668. Of neutral newspapers, the slave States publish 8,812,620; the free States, 79,156,738. Of religious newspapers, the slave States publish 4,364,832; the free States, 29,280,652. Of literary journals, the slave States publish 20,245,360; the free States, 57,478,768. And of scientific journals, the slave States publish 372,672; the free States, 4,521,260. Of these latter, the number of copies published in Massachusetts alone is 2,033,260—more than five times the number in the whole land of slavery. Thus, in contributions to science, literature, religion, and even politics, as attested by the activity of the periodical press, do the slave States miserably fail, while darkness gathers over them. And this seems to be increasing with time. According to the census of 1810, the disproportion in this respect between the two regions was only as two to one. It is now more than five to one, and is still going on.

The same disproportion appears with regard to persons connected with the Press. In the Free States, the number of printers was 11,822, o whom 1,229 were in Massachusetts; in the Slave States there were 2,895, of whom South Carolina had only 241. In the Free States, the number of publishers was 331; in the Slave States 24. Of these Massachusetts had 59, or more than twice as many as all the Slave States; while South Carolina had none. In the Free States, the authors were 73; in the Slave States, 9; of whom Massachusetts had 17, and South Carolina 2. These suggestive illustrations are all derived from the last official census. But if we go to other sources, the contrast is still the same. Of the authors mentioned in Duyckink's Cyclopædia of American Literature, 403 are of the Free States, and only 87 of the Slave States. Of the poets mentioned in Griswold's Poets and Poetry of America, 123 are of the Free States, and only 17 of the Slave States. Of the poets, whose place of birth appears in Reed's Female Poets of America, 73 are of the Free States, and only 11 of the Slave States. And if we try authors by weight or quality, it is the same as when we try them by numbers. Out of the Free States have come all whose works have taken a place in the permanent literature of the country—Irving, Prescott, Sparks, Bancroft, Emerson, Motley, Hildreth and Hawthorne; also, Bryant, Longfellow, Dana, Halleck, Whittier and Lowell—and I might add indefinitely to the list. But what name from the Slave States could find a place there?

A similar disproportion appears in the number of patents, attesting the inventive industry of the contrasted regions, issued during the last three years, 1857, 1858, and 1859. In the Free States there were 9,560; in the Slave States, 1,449—making a difference of 8,111 in favor of freedom. The number in free Massachusetts was 972; in slave South Carolina, 39. The number in free Connecticut, small in territory and population, was 628; in slave Virginia, large in territory and population, 184.

From all these things we might infer the ignorance prevalent in the slave States; but this shows itself in specific results of a deplorable character, authenticated by the official census. It appears that in the slave States there were 493,026 native white persons over twenty years of age who cannot read and write, while in the free States with double the white population, there were but 248,725 native whites over twenty years of age in this unhappy predicament. In the slave States the proportion was 1 to 12; in the Free States it was 1 to 53. The number in free Massachusetts, with a population of nearly a million, was 1,005, or 1 in 517, the number in slave South Carolina, with a population under three hundred thousand, was 15,580, or 1 in 7. The number in free Connecticut, was 1 in 277; in slave Virginia, 1 in 5; in free New Hampshire, 1 in 201, and in slave North Carolina, 1 in 3.

Before closing this picture of slavery, where the dismal colors all come from official figures, there are two other aspects in which for a moment it may be regarded:

1. The first is the influence which it has on emigration. It is stated in the official compendium of the census (page 115) that those persons living in Slave States who are natives of Free States, are more numerous than those living in Free States

who are natives of Slave States. This is an egregious error. Just the contrary is true. The census of 1850 found 609,371 in the Free States who were born in Slave States, while only 206,638 born in the Free States were in the Slave States. And since the white population of the Free States is double that of the Slave States, it appears that the proportion of whites moving from slavery is six times greater than that of whites moving into slavery. In this simple fact is disclosed something of the aversion to slavery which is aroused even in the Slave States.

2. The second aspect is furnished by the character of the region on the border line between Freedom and Slavery. In general, the value of lands in Slave States adjoining Freedom is advanced, while the value of corresponding lands in Free States is diminished. The effects of Freedom and Slavery are reciprocal. Slavery is a bad neighbor. Freedom is a good neighbor. In Virginia, lands naturally poor, are, by their nearness to Freedom worth $12 98 an acre, while richer lands in other parts of the State are worth only $8 42. In Illinois, lands bordering on Slavery are worth only $4 54 an acre, while other lands in Illinois are worth $8 05. As in the value of lands so in all other influences is Slavery felt for evil, and Freedom felt for good; and thus it is clearly shown to be for the interest of the Slave States to be surrounded by a circle of Free States.

Thus at every point is the character of slavery more and more manifest, rising and dilating into an overshadowing barbarism, darkening the whole land. Through its influence population, values of all kinds, manufactures, commerce, railroads, canals, charities, the postoffice, colleges, professional schools, academies, public schools, newspapers, periodicals, books, authorship, invention, are all stunted, and, under a Government which professes to be founded on the intelligence of the people, one in twelve of the white adults in the region of slavery is officially reported as unable to read and write. Never was the saying of Montesquieu more triumphantly verified, that countries are not cultivated by reason of their fertility, but by reason of their liberty. To this truth the slave States constantly testify by every possible voice. Liberty is the powerful agent which drives the plow, the spindle, and the keel; which opens avenues of all kinds; which awakens a love of knowledge, and supplies the means of gratifying it. Liberty is the first of schoolmasters.

Unerring and passionless figures thus far have been our witnesses. But their testimony will be enhanced by a final glance at the geographical character of the slave States; and here there is a singular and instructive parallel. Jefferson described Virginia as fast sinking to be "the barbary of the Union"—meaning, of course, the barbary of his day, which had not yet turned against slavery. In this allusion he was wiser than he knew. The slave States of our Union are the barbary States of North America. Though on different sides of the Atlantic and on different continents, our slave States and the original barbary States occupy nearly the same parallels of latitude; occupy nearly the same extent of longitude; embrace nearly the same number of square miles; enjoy kindred advantages of climate, being equally removed from the cold of the North and the burning heat of the tropics; and also enjoy kindred boundaries of land and water, with kindred advantages of ocean and sea—with this difference, that the boundaries of the two regions are precisely reversed, so that where is land in one case is water in the other; while in both cases there is the same extent of ocean and the same extent of sea. Nor is this all. Algiers, for a long time the most obnoxious place in the barbary states of Africa—once branded by an indignant chronicler as "the wall of the barbarian world"—is situated near the parallel of 36 deg. 30 min. north latitude, being the line of the Missouri Compromise, which once marked the "wall" of slavery in our country west of the Mississippi; while Morocco, the chief present seat of slavery in the African Barbary, is on the parallel of Charleston. There are no two spaces on the surface of the globe, equal in extent—and an examination of the map will verify what I am about to state—which present so many distinctive features of resemblance, whether we consider the common parallels of latitude on which they lie, the common nature of their boundaries, their common climate or the common barbarism which sought shelter in both. I do not stop to inquire why slavery, banished at last from Europe—banished, also, from that part of this hemisphere which corresponds in latitude to Europe—should have entrenched itself in both hemispheres between the same parallels of latitude, so that Virginia, Carolina, Mississippi and Missouri should be the American complement to Morocco, Algiers, Tripoli, and Tunis. But there is one important point in the parallel which remains to be fulfilled. The barbarous Emperor of Morocco, in the words of a treaty, has expressed his desire that slavery might pass from the memory of men; while Algiers, Tripoli, and Tunis, after cherishing slavery with a tenacity equalled only by the tenacity of South Carolina, have successfully renounced it, and delivered it over to the indignation of mankind. In following this example, the parallel will be complete, and our Barbary will become the complement in freedom to the African Barbary, as it has already been its complement in slavery, and is unquestionably its complement in geographical character.

II. From the consideration of Slavery in its practical result, illustrated by the contrast between the Free States and Slave States, I pass now to another stage of the argument, and proceed to exhibit Slavery in its influence on the character of Slave masters. Nothing could I undertake more painful, and yet their is nothing which is more essential to the discussion, especially in response to the pretensions of Senators on this floor, nor is there any point on which the evidence is more complete. It is in the character of Slavery itself that we are to find the character of Slave masters; but I need not go back to the golden lips of Chrysostom to learn that "Slavery is the fruit of covetousness, of extravagance, of insatiable greediness, for we have already seen that this five fold enormity is inspired by the single idea of compelling men to work without wages. This spirit must naturally appear in the Slave master. But the eloquent Christian saint did not disclose the whole truth. Slavery is founded on violence, as we have already too clearly seen; of course it can only be sustained by kindred violence, sometimes against the defenceless slave, sometimes against the freeman, whose indignation is aroused at the outrage. It is founded on brutal and vulgar pretensions, as we have already too clearly seen; of course it can only be sustained

by kindred brutality and vulgarity. The denial of all rights in the slave can be sustained only by a disregard of other rights, common to the whole community, whether of the person, of the press, or of speech. Where this exists there can be but one supreme law, to which all other laws, legislative or social, are subordinate, and this is the pretended law of slavery. All these things must be manifest in slave masters, and yet, unconscious of their true condition, they make boasts which reveal still further the unhappy influence. The swagger of a bully is called chivalry; a swiftness to quarrel is called courage; the bludgeon is adopted as a substitute for argument, and assassination is lifted to be one of the fine arts. Long ago it was fixed certain that the day which made a man a slave "took half his worth away"—words from the ancient harp of Homer, resounding through long generations. Nothing here is said of the human being at the other end of the chain. To aver that on this same day all his worth is taken away might seem inconsistent with exceptions which we gladly recognize; but, alas! it is too clear, both from reason and from evidence, that, bad as slavery is for the slave, it is worse for the master.

In making this exposure I am fortified at the outset by two classes of authorities, whose testimony it will be difficult to question. The first is American, and founded on personal experience; the second is philosophical, and founded on everlasting truth. First, American authority: and here I adduce words often quoted, which dropped from the lips of slave masters in those better days when, seeing the wrong of slavery, they escaped from its injurious influence. Of these, none expressed themselves with more vigor than Col. Mason, a slave master in Virginia, in debate on the adoption of the National Constitution. These are his words:

"Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country."

Thus, with a few touches, does this slave master portray his class, putting them in that hateful list, which, according to every principle of liberty, must be resisted so long as we obey God. And this same testimony also found expression from the fiery soul of Jefferson. Here are some of his words:

"There must be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions—the most unremitting despotism on the one part, and degrading submissions on the other; our children see this, and learn to imitate it. * * * * The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other. * * * * With the morals of the people, their industry is also destroyed."

Next comes the philosophic authority; and here the language which I quote may be less familiar, but it is hardly less commanding. Among names of such weight, I shall not discriminate, but shall simply follow the order of time in which they appeared. First is John Locke, the great author of the English System of Intellectual Philosophy, who, though once unhappily conceding indulgence to American Slavery, in another place describes it, in words which every slave master should know, as

"The state of war continued between a lawful conqueros and his captive. * * * So opposite to the generous temper and courage of our nation, that 'tis hardly to be conceived that an Englishman, much less a gentleman, should plead for it."

Then comes Adam Smith, the founder of the science of Political Economy, who, in his work on morals, thus utters himself:

There is not a negro from the coast of Africa who does not possess a degree of magnanimity which the soul of his sordid master is too often scarce capable of conceiving. Fortune never exerted more cruelly her empire over mankind, than when she subjected these nations of heroes to the refuse of jails of Europe, to wretches who possess the virtues neither of the countries which they came from, nor of those which they go to, and whose levity, brutality and baseness so justly expose them to the contempt of the vanquished.—*Theory of Moral Sentiments, Part* 2, *Chapter* 2

This judgment, pronounced just a century ago, was repelled by the slave masters of Virginia, in a feeble publication which attests at least their own consciousness that they were the criminals arraigned by the distinguished philosopher. This was soon followed by the testimony of the great English moralist, Dr. Johnson, who, in a letter to a friend, thus shows his opinion of slave masters:

To omit for a year, or for a day, the most efficacious method of advancing Christianity in compliance with any purposes that terminate on this side the grave, is a crime of which I know not that the world has had an example except in the practice of the planters of America, a race of mortals whom, I suppose, no other man wishes to resemble.—Letter to William Drummond, Aug. 13, 1766. (Boswell's Life of Johnson by Croker.)

With such authorities, American and philosophic, I need not hesitate in this ungracious task; but truth, which is mightier than Mason and Jefferson, than John Locke, Adam Smith, and Samuel Johnson, marshals the evidence in unbroken succession.

Proceeding with this argument, which broadens as we advance, we shall see slave masters (1) in the law of slavery, (2) in their relations with slaves, (3) in their relations with each other and with society, and (4) in that unconsciousness which renders them insensible to their true character.

(1.) As in considering the character of slavery, so in considering the character of slave masters, we must begin with the law of slavery, which, as their work, testifies against them. In the face of such an unutterable abomination, where impiety, cruelty, brutality and robbery, all strive for mastery, it is in vain to assert the humanity or refinement of its authors. Full well I know that the conscience which speaks so powerfully to the solitary soul is often silent in the corporate body, and that, in all ages and countries, numbers, when gathered in communities and States, have sanctioned acts from which the individual revolts. And yet I know no surer way of judging a peo-

ple than by its laws, especially where those laws have been long continued, and openly maintained. Whatever may be the eminence of individual virtue—and I would not so far disparage humanity as to suppose that the offences which may be general where slavery exists are universal—it is not reasonable or logical to infer that the masses of slave-masters are better than the law of slavery. And since the law itself degrades the slave to be a chattel, and submits him to their irresponsible control, with power to bind and to scourge—to usurp the fruits of another man's labor—to pollute the body—and to outrage all ties of family, making marriage impossible—we must conclude that such enormities are sanctioned by slave masters, while the exclusion of testimony and prohibition of instruction—by supplementary law—complete the evidence of their complicity. And this conclusion must stand unquestioned just as long as the law of slavery exists unrepealed. Cease, then, to blazon the humanity of slave-masters. Tell me not of the lenity with which this cruel code is tempered to its unhappy subjects. Tell me not of the sympathy which overflows from the mansion of the master to the cabin of the slave. In vain you assert such "happy accidents." In vain you show that there are individuals who do not exert the wickedness of the law. The barbarism still endures, solemnly, legitimately, judicially attested in the very slave code, and proclaims constantly the character of its authors. And this is the first article in the evidence against slave-masters.

2 I am next brought to slave masters in their relations with slaves; and here the argument is founded upon facts, and upon presumptions irresistible as facts. Only lately has inquiry burst into that gloomy world of bondage and disclosed his secrets, But enough is already known to arouse the indignant condemnation of mankind. For instance, here is a simple advertisement—one of thousands—from the Georgia *Messenger:*

"Run Away—My man Fountain; has holes in his ears, a scar on the right side of his forehead; has been shot in the hind part of his leg, and is marked on the back with the whip. Apply to Robert Beasley, Macon, Ga."

Holes in the ears, scar on the forehead, shot in the legs, and marks of the lash on the back. Such are the tokens by which a slave master proposes to identify his slave. And here is another advertisement revealing slave masters in a different light. It is from the *National Intelligencer*, here in the capital; and I confess the pain with which I cite such an indecency in a journal of such responsibility. Of course it appeared without the knowledge of the editors; but it is none the less an illustrative example.

"For Sale.—An accomplished and handsome lady's maid. She is just sixteen years of age; was raised in a genteel family in Maryland, and is now proposed to be sold, not for any fault, but simply because the owner has no further use for her. A note directed to C. D., Gadsby's Hotel, will receive prompt attention."

A sated libertine, in a land where vice is legalized, could not expose his victim in apter words. These two instances will illustrate a class. In the recent work of Mr. Olmstead, a close observer and traveler in the Slave States which abounds in pictures of Slavery, expressed with caution and evident regard to truth, will be found still another, where a slave master thus frankly confessed his experience:

"I can tell you how you can break a nigger of running away, certain," said the slave master. "There was an old fellow I used to know in Georgia, that always cured his so. If a nigger ran away, when he caught him, he would bind his knee over a log, and fasten him so he couldn't stir; then he'd take a pair of pincers, and pull one of his toe nails out by the roots; and tell him that if he ever ran away again, he would pull out two of them; and if he ran away again after that, he told him he'd pull out four of them, and so on, doubling each time. He never had to do it more than twice; it always cured them."—*Olmstead's Texas Journey*, 105.

Like this story, which is from the lips of a slave master, is another, where the master, angry because his slave had sought to regain his God-given liberty, deliberately cut the tendons of his heel, thus horribly maiming him for life. It is in vain that these instances are denied. Their accumulating number, authenticated in every possible manner, by the press, by a cloud of witnesses, and by the confessions of slave masters, stares us constantly in the face.

And here we are brought again to the Slave Code, under the shelter of which these and worse things may be done with complete impunity. Listen to the remarkable words of Chief Justice Buffan of North Carolina, who, in a solemn decision, thus portrays, affirms, and deplores this terrible latitude:

The obedience of the slave, he says, is the consequence only of uncontrolled authority over the body. * * * The power of the master must be absolute to render the submission of the slave perfect. I must freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can. And, as a principle of moral right, every person in his retirement must repudiate it. But, in the actual condition of things, it must be so. There is no remedy. This discipline belongs to the state of slavery. It is inherent in the relation of master and slave.—*The State* vs. *Mann*, 2 *Devereaux R.* 292.

And this same terrible latitude has been thus expounded in a recent judicial decision of Virginia:

It is the policy of the law in respect to the relation of master and slave, and for the sake of securing proper subordination and obedience on the part of the slave, to protect the master from prosecution, even if the whipping and punishment be malicious, cruel and excessive.—*Santher* vs. *Cwelt* 7 *Grattan* 673.

REFLECTIONS ON THE EVIDENCE.

Can barbarism further go? Here is an irresponsible power, rendered more irresponsible still by the seclusion of the plantation, and absolutely fortified by the supplementary law excluding the testimony of slaves. That under its shelter enormities should occur—stranger than fiction, too terrible for imagination, and surpassing any individual experience—is simply according to the course of nature and the course of history. The visitation of the abbeys in England disclosed vice and disorder in startling forms, cloaked by the irresponsible privacy of monastic life. A similar visitation of plantations would disclose more fearful results, cloaked by the irresponsible privacy of Slavery. Every slave master on his plantation is a Bashaw, with all the prerogatives of a Turk. According to Hobbes, he is a "petty king." This is true; and every plantation is of itself a petty kingdom, with more than the immunities of an abbey. Six thousand skulls of infants are said to have been

taken from a single fish-pond near a nunnery, to the dismay of Pope Gregory. Under the law of slavery, infants, the off-prings of masters, "who dream of freedom in a slave's embrace," are not thrown into a fish pond, but something worse is done. They are sold. But this is only a single glimpse. Slavery, in its recesses, is another Bastile, whose horrors will never be known until it all is razed to the ground; it is the dismal castle of the Giant Despair, which, when captured by the Pilgrims, excited their wonder, as they saw "the dead bodies that lay here and there in the castle-yard, and how full of dead men's bones the dungeon was." The recorded horrors of slavery seem to be infinite, and each day, by the escape of its victims, they are still further attested, while the door of the vast prison-house is left ajar. But, alas! unless the example of history and the lessons of political wisdom are alike delusive, its unrecorded horrors must assume a form of yet more fearful dimensions, as we try to contemplate them. Baffling all attempts at description, they sink into that chapter of Sir Thomas Browne, entitled, "Of some Relations whose Truth we fear;" and among kindred things whereof, according to this eloquent philosopher, there remains no register but that of hell.

If this picture of the relations of slave-masters with their slaves could receive any further darkness, it would be by introducing the figures of the congenial agents through which the barbarism is maintained; the slave overseer, the slave breeder, and slave hunter, each without a peer except in his brother, and the whole constituting the triumvirate of slavery, in whom its essential brutality, vulgarity, and grossness, are all embodied. There is the slave overseer, with his bloody lash, fitly described in his "Life of Patrick Henry," by Mr. Wirt, who, born in Virginia, knew the class, as "last and lowest, most abject, degraded and unprincipled," and his hands wield at will the irresponsible power. There is the slave breeder, who assumes a higher character, and enters legislative halls, where, in unconscious insensibility, he shocks civilization by denying, like Mr. Gholson, of Virginia, any alleged distinction between the "female slave and the brood mare," by openly asserting the necessary respite from work during the gestation of the female slave on the ground of property in her offspring, and by proclaiming that in this "vigintial" crop of human flesh consists much of the property of the State, while another Virginian, not yet hardened to this debasing trade, whose annual sacrifice reaches 25,000 human souls, confesses the indignation and shame with which he beholds his State "converted into one grand menagerie, where men are reared for the market like oxen for the shambles;" and lastly, there is the slave-hunter, with the blood-hound as his brutal symbol, who pursues slaves as the hunter pursues game, and does not hesitate in the public prints to advertise his barbarism thus:

Blood Hounds.—I have two of the finest dogs for catching negroes in the Southwest. They can take the trail twelve hours after the negro has passed, and catch him with ease. I live four miles southwest of Bolivar, on the road leading from Bolivar to Whitesville. I am ready at all times to catch runaway negroes.

David Turner.

March 2, 1853.—*West Tennessee Democrat.*

The bloodhound was known in early Scottish history. It was once vindictively put upon the trail of Robert Bruce; and in barbarous days, by a cruel license of war, it was directed against the marauders of the Scottish border; but more than a century has passed since the last survivor of the race, kept as a curiosity, was fed on meal in Ettrick Forest (*Scott's Lay of the Last Minstrel*—Notes, Canto V.) The bloodhound was employed in Spain against the natives of this continent, and the eloquence of Chatham never touched a truer chord than when, gathering force from the condemnation of this brutality, he poured his thunder upon the kindred brutality of the scalping-knife, adopted as an instrument of war by a nation professing civilization. Tardily introduced into our Republic, some time after the Missouri Compromise, when slavery became a political passion, and slave masters began to throw aside all disguise, the bloodhound has become the representative of our barbarism in one of the worst forms, when engaged in the pursuit of a fellow-man who is asserting his inborn title to himself; and this brute is, indeed, typical of the whole brutal class of slave-hunters, who, whether at home on slave soil, under the name of slave-catchers and kidnappers, or at a distance, under polite names, insult human nature by the enforcement of this barbarism.

3. From this dreary picture of slave masters, with their slaves and their triumvirate of vulgar instruments, I pass to another more dreary still and more completely exposing the influence of slavery; I mean the relations of slave masters with each other, also with society and government, or in other words, the character of slave masters as displayed in the general relations of life. And here I need your indulgence. Not in triumph or in taunt do I approach this branch of the subject. Yielding only to the irresistable exigency of the discussion, and in direct response to the assumptions on this floor, especially by the Senator from Virginia (Mr. Mason,) I shall proceed. If I touch slavery to the quick, and enable slave masters to see themselves as others see them, I shall do nothing beyond the strictest line of duty in this debate. One of the choicest passages of the master Italian poet Dante is where a scene of transcendent virtue is described as sculptured in "visible speech" on the long gallery which led to the heavenly gate. The poet felt the inspiration of the scene, and placed it on the wayside, where it could charm and encourage. This was natural. Nobody can look upon virtue and justice, if it be only in images and pictures, without feeling a kindred sentiment. Nobody can be surrounded by vice and wrong, by violence and brutality, if it be only in images and pictures, without coming under their degrading influence. Nobody can live with the one without advantage; nobody can live with the other without loss. Who could pass his life in the secret chamber where are gathered the impure relics of Pompeii, without becoming indifferent to loathsome things? But if these loathsome things are not merely sculptured and painted as they exist in living reality—if they enact their hideous capers in life, as in the criminal pretensions of slavery—while the lash plays and the blood spirts—while women are whipped and children are sold—while marriage is polluted and annulled—while the parental tie is rudely torn—while honest gains are filched or robbed—while the soul itself is shut down in all the darkness of ignorance, and while God himself is defied in the pretension that man can have property in his fellow man; if all these things are present, not mere-

ly in images and pictures, but in reality, their influence on character must be incalculable. It is according to irresistible law that men are fashioned by what is about them, whether climate, scenery, life or institutions. Like produces like, and this ancient proverb is verified always. Look at the miner, delving low down in darkness, and the mountaineer, ranging on airy heights, and you will see a contrast in character, and even in personal form. The difference between a coward and a hero may be traced in the atmosphere which each has breathed; and how much more in the institutions under which each has been reared. If institutions, generous and just, ripen souls also generous and just, then other institutions must exhibit their influence also. Violence, brutality, injustice, barbarism, must be reproduced in the lives of all who live within their fatal sphere. The meat that is eaten by man enters into and becomes a part of his body; the madder which is eaten by a dog changes his bones to red; and the slavery on which men live, in all its five-fold foulness, must become a part of themselves, discoloring their very souls, blotting their characters, and breaking forth in moral leprosy. This language is strong; but the evidence is even stronger. Some there may be of happy natures—like honorable Senators—who can thus feel and not be harmed. Mithridates fed on poison, and lived; and it may be that there is a moral Mithridates, who can swallow without bane the poison of slavery. Instead of "ennobling" the master, nothing can be clearer than that the slave drags his master down; and this process begins in childhood, and is continued through life. Living much in association with his slave, the master finds nothing to remind him of his own deficiencies, to prompt his ambition, or excite his shame. Without these provocations to virtue, and without an elevated example, he naturally shares the barbarism of the society which he keeps. Thus, the very inferiority which the slave-master attributes to the African race explains the melancholy condition of the communities in which his degradation is declared by law.

A single false principle or vicious thought may degrade a character otherwise blameless; and this is practically true of the slave master. Accustomed to regard men as property, his sensibilities are blunted and his moral sense obscured. He consents to acts from which civilization recoils. The early church sold its property, and even its sacred vessels, for the redemption of captives. This was done on a remarkable occasion by St. Ambrose, and successive canons confirmed the example. But in the slave States this is all reversed. Slaves there are often sold as the property of the church, and an instance is related of a slave sold in South Carolina in order to buy the plate for the communion table. Who can calculate the effect of such an example? Surrounded by pernicious influences of all kinds, both positive and negative, the first making him do that which he ought not to do, and the second making him leave undone that which he ought to have done, through childhood, youth, manhood, even unto age, unable while at home to escape these influences, over-shadowed constantly by the portentous barbarism about him, the slave master naturally adopts the bludgeon, the revolver and the bowie-knife. Through these he governs his plantation, and secretly armed with these he enters the world. These are his congenial companions. To wear these is his pride; to use them becomes a passion, almost a necessity. Nothing contributes to violence so much as the wearing of the instruments of violence, thus having them always at hand to obey the lawless instincts of the individual. A barbarous standard is established; a contest peculiar to our slave masters, called a "street fight," is not shameful; a duel is not dishonorable, and modern imitators of Cain have a mark set upon them, not for reproach and condemnation, but for compliment and approval. I wish to keep within bounds; but unanswerable facts, accumulating in fearful quantities, attest that the social system, so much vaunted by honorable Senators, and which we are now asked to sanction and extend, takes its character from this spirit, and with professions of Christianity on the lips, becomes Cain-like. And this is aggravated by the prevailing ignorance in the slave States, where one in twelve of the adult white population is unable to read and write.

"The boldest they who least partake the light,
As game cocks in the dark are trained to fight."

Of course there are exceptions, which we all gladly recognize, but it is this spirit which predominates and gives the social law. And here mark an important difference. Elsewhere violence shows itself in spite of law, whether social or statute; in the slave States it is because of law both social and statute. Elsewhere it is pursued and condemned; in the slave States it is adopted and honored. Elsewhere it is hunted as a crime; in the slave States it takes its place among the honorable graces of society.

Let not these harsh statements stand on my authority. Listen to the testimony of two Governors of slave States in their messages to the Legislatures:

"We long to see the day (said the Governor of Kentucky in 1837) when the law will assert its majesty, and stop the wanton destruction of life which almost daily occurs within the jurisdiction of the Commonwealth. Men slaughter each other with almost perfect impunity. A species of common law has grown up in Kentucky, which, were it written down, would, in all civilized countries cause it to be rechristened, in derision, the land of blood."

Such was the official confession of a slavemaster Governor of Kentucky. And here is the official confession made the same year by the slavemaster Governor of Alabama:

"We hear of homicides in different parts of the State continually, and yet have few convictions and still fewer executions. Why do we hear of stabbings and shootings almost daily in some part or other of our State?"

A land of blood! Stabbings and shootings almost daily! Such is the official language. It was natural that contemporary newspapers should repeat what thus found utterance in high places. Here is a confession by a newspaper in Mississippi:

"The moral atmosphere in our State appears to be in a deleterious and sanguinary condition. Almost every exchange paper which reaches us contains some inhuman and revolting case of murder or death by violence."—*Grand Gulf Advertiser, June* 27, 1837.

Here is another confession by a newspaper in New Orleans:

"In view of the crimes which are daily committed, we are led to inquire whether it is owing to the inefficiency of our laws, or to the manner in which these laws are administered, that this frightful deluge of human blood flows through our streets

and our places of public resort."—*New Orleans Bee, May* 23, 1838.

And here is testimony of a different character:

"No one who has not been an integral part of a slaveholding community can have any idea of its abominations. It is a whited sepulchre, full of dead men's bones and all uncleanness."

These are the words of a Southern lady, the daughter of the accomplished Judge Grimke, of South Carolina. A catalogue of affrays between politicians, commonly known as "street fights"—I use the phrase which comes from the land of slavery—would show that these authorities were not mistaken. The famous Dutch picture, known particularly by a successful engraving, and called the Knife Fight, presents a scene less revolting than one of these. Two or more men, armed to the teeth, meet in the streets, at a court house or a tavern, shoot at each other with revolvers, then gash each other with knives, close and roll upon the ground covered with dirt and blood, struggling and stabbing till death, prostration, or surrender, puts an end to the conflict. Each instance tells a shameful story, and cries out against the social system which can tolerate such barbarism. A catalogue of duels in our country would testify again to the reckless disregard of life where slavery exists, and would exhibit violence flaunting in the garb of honor, and prating of a barbarous code disowned equally by reason and religion. But you have already supped too full of horrors, and I hasten on.

Pardon me, if I stop for one moment to exhibit and denounce the duel. I do it only because it belongs to the brood of slavery. An enlightened civilization has long ago rejected this relic of barbarism, and never has one part of the argument against it been put more sententiously than by Franklin: "A duel decides nothing," said this patriot philosopher, "and the person appealing to it makes himself judge in his own cause, condemns the offender without a jury, and undertakes himself to be the executioner." To these emphatic words I would add two brief propositions, which, if practically adopted, make the duel impossible—first, that the acknowledgment of wrong, with apology or explanation, can never be otherwise than honorable; and, secondly, that, in the absence of all such acknowledgment, no wrong can ever be repaired by a gladiatorial contest, where brute force, or skill, or chance, must decide the day. Iron and adamant are not stronger than these arguments, nor can any one attempt an answer without exposing his feebleness. And yet, slave masters, disregarding its irrational character, insensible to its folly, heedless of its impiety, and unconscious of its barbarism, openly adopt the duel as a regulator of manners and conduct. Two voices from South Carolina have been raised against it, and I mention them with gladness, as testimony even in that land of slavery. The first was Charles Cotesworth Pinckney, who, in the early days of the Republic, openly declared his "abhorrence of the practice," and invoked the clergy of his State, "as a particular favor, at some convenient early day, to preach a sermon on the sin and folly of dueling." The other was Mr. Rhett, who, on this floor, openly declared as his reason for declining the duel, "that he feared God more than man." Generous words, for which many errors can be pardoned. But these voices condemn the social system of which the duel is a natural product.

Looking now at the broad surface of society where slavery exists, we shall find its spirit actively manifest in the suppression of all freedom of speech or of the press, especially with regard to this wrong. Nobody in the slave States can speak or print against slavery, except at the peril of life and liberty. St. Paul could call upon the people of Athens to give up the worship of unknown gods; he could live in his own hired house at Rome, and preach Christianity in this heathen metropolis; but no man can be heard against slavery in Charleston or Mobile. We condemn the Inquisition, which subjects all within its influence to censorship and secret judgment; but this tyranny is repeated in American slave masters. Truths as simple as the great discovery of Galileo, are openly denied, and all who declare them are driven to recant. We condemn the Index Expurgatorious of the Roman Church; but American slave masters have an Index on which are inscribed all the generous books of the age. There is one book, the marvel of recent literature, Uncle Tom's Cabin, which has been thus treated both by the church and by the slave masters, so that it is honored by the same suppression at the Vatican and at Charleston. Not to dwell on these instances, there is one which has a most instructive ridiculousness. A beautiful discourse of the late Dr. Channing on West India emancipation—the last effort of his beautiful career—was offered for sale by a book agent at Charleston. A prosecution by the South Carolina Association ensued and the agent was held to bail in the sum of $1,000. Shortly afterwards the same agent received for sale a work by Dickens, freshly published, American Notes; but determined not to expose himself again to the tyrannical Inquisition, he gave notice through the newspapers that the book "would be submitted to highly intelligent members of the South Carolina Association for inspection, and if the sale is approved by them it will be for sale—if not, not." Listen, also, to another recent instance, as recounted in the Montgomery *Mail*, a newspaper of Alabama:

"Last Saturday we devoted to the flames a large number of copies of Spurgeon's sermons and the pile was graced at the top with a copy of *Graves' Great Iron Wheel*, which a Baptist friend presented for the purpose. We trust that the works of the greasy cockney vociferator may receive the same treatment throughout the South. And if the pharisaical author should ever show himself in these parts, we trust that a stout cord may speedily find its way around his eloquent throat. He has proved himself a dirty, low bred slanderer, and ought to be treated accordingly."

And very recently we have read in the journals, that the Trustees of a College in Alabama have resolved that Dr. Wayland's admirable work on Moral Science "contains Abolition doctrine of the deepest dye;" and they proceed to denounce "the said book, and forbid its further use in the institute."

All this is natuaral, for tyranny is condemned to be consequent with itself. Proclaim slavery to be a permanent institution, instead of a temporary barbarism, soon to pass away, and then, by the unabrogating logic of self-preservation, all things must yield to its support. The safety of slavery becomes the supreme law. And since slavery is endangered by liberty in any form, therefore all liberty must be restrained. Such is the philosophy of this seeming paradox in a republic.

And our slavemasters show themselves in this work. Violence and brutality are their ready instruments, quickened always by the wakefulness of suspicion, and perhaps often by the restlessness of uneasy conscience. Everywhere in the slave States the lion's mouth of Venice, where citizens were anonymously denounced, is open; nor are the gloomy prisons and the Bridge of Sighs wanting. This spirit has recently shown itself with such intensity and activity as to constitute what has been properly termed a Reign of Terror. Northern men, unless they happen to be delegates to the Democratic Convention, are exposed in their travels, whether of business or health, to the operation of the system. They are watched and dogged, as if in a land of despotism; they are treated with the meanness of a disgusting tyranny; live in peril of personal indignity, and often of life and limb. Complaints have sometimes been made of the wrongs to American citizens in Mexico; but during the last year more outrages on American citizens have been perpetrated in the slave States than in Mexico. Here, again, I have no time for details, which have been already presented in other quarters. But the instances are from all conditions in life. In Missouri, a Methodist clergyman, suspected of being an Abolitionist, was taken to prison amidst threats of tar and feathers. In Arkansas, a schoolmaster was driven from the State. In Kentucky, a plain citizen from Indiana, on a visit to his friends, was threatened with death by the rope. In Alabama, a simple person from Connecticut, peddling books, was thrust into prison, amidst cries of "Shoot him!—hang him!" In Virginia, a Shaker, from New York, peddling garden seeds, was forcibly expelled from the State. In Georgia, a merchant's clerk, Irishman by birth, who simply asked the settlement of a just debt, was cast into prison, robbed of his pocket-book, containing nearly $100, and barely escaped with his life. In South Carolina, a stone-cutter, Irishman by birth, was stripped naked, and then, amidst cries of "Brand him!" "Burn him!" "Spike him to death!" scourged so that the blood came at every stroke, while tar was poured upon his lacerated flesh. These atrocities, calculated according to the words of a poet of subtle beauty, to "make a holiday in hell," were all ordained by vigilance committees, or that busiest magistrate Judge Lynch, inspired by the demon of slavery.

"He let them loose, and cried, Halloo!
How shall we yield him honor due?"

In perfect shamelessness, and as if to blazon this fiendish spirit, we have had, this winter, in a leading newspaper of Virginia, an article, proposing to give twenty-five dollars each for the heads of citizens, mostly members of Congress, known to be against slavery, and $50,000 for the head of William H. Seward. And in still another paper of Virginia we find a proposition to raise $10,000 to be given for the kidnapping and delivery of a venerable citizen, Joshua R. Giddings, at Richmond, or, "$5,000 for the production of his head." These are fresh instances, but they are not alone. At a meeting of slavemasters in Georgia, in 1835, the Governor was recommended to issue a proclamation, offering $5,000 as a reward for the apprehension of either of ten persons named in the resolution, citizens of New York and Massachusetts, and one a subject of Great Britain—not one of whom it was pretended had ever set foot on the soil of Georgia. The Milledgeville *Federal Union*, a newspaper of Georgia, in 1836, contained an offer of $10,000 for kidnapping a clergyman residing in the city of New York. A Committee of Vigilance in Louisiana, in 1835, offered, in the *Louisiana Journal*, $50,000 to any person who would deliver into their hands Arthur Tappan, a merchant of New York; and, during the same year, a public meeting in Alabama, with a person entitled "Honorable" in the chair, offered a similar reward of $50,000 for the apprehension of the same Arthur Tappan, and of La Roy Sunderland, a clergyman of the Methodist Church at New York.

These manifestations are not without prototype in the history of the anti-slavery cause in other countries. From the beginning, slave masters have encountered argument by brutality and violence. If we go back to the earliest of the Abolitionists, the wonderful Portugese preacher, Vieyra, we shall find that his matchless eloquence and unquestioned piety did not save him from indignity. After a sermon exposing slavery in Brazil, he was seized and imprisoned, while one of the principal slave masters asked him, in mockery, where were all his learning and all his genius now, if they could not deliver him in this extremity? He was of the Catholic Church. But the spirit of slavery is the same in all Churches. A renowned Quaker minister of the last century, Thomas Chalkley, while on a visit at Barbadoes, having simply recommended charity to the slaves, without presuming to breathe a word against slavery itself, was first met by disturbance in the meeting, and afterwards, on the highway, and in open day, was fired at by one of the exasperated planters, with a "fowling-piece loaded with small shot, ten of which made marks, and several drew blood." Even in England, while the slave trade was under discussion, the same spirit appeared. Wilberforce, who represented the cause of Abolition in Parliament, was threatened with personal violence; Clarkson who represented the same cause before the people, was assaulted by the infuriated slave traders, and narrowly escaped being hustled into the dock; and Roscoe, the accomplished historian, on his return to Liverpool from his seat in Parliament, where he had signalized himself as an opponent to the slave trade, was met at the entrance of the town by a savage mob, composed of persons interested in the traffic, armed with knives and bludgeons, the distinctive arguments and companions of pro-slavery partisans.

And even in the Free States the partisans of Slavery have from the beginning acted under the inspiration of violence. The demon of Slavery has entered into them, and under its influence they have behaved like slave-masters. Public meetings for the discussion of Slavery have been interrupted; public halls dedicated to its discussion have been destroyed or burned to the ground. In all our populous cities the great rights of speech and of the Press have been assailed precisely as in the Slave States. In Boston, Garrison, pleading for the slave, was dragged through the streets with a halter about his neck, and in Illinois, Lovejoy, also pleading for the slave, was ferociously murdered. The former yet lives to speak for himself, while the latter lives in his eloquent brother, the Representative from Illinois in the other House. Thus does Slavery show its natural influence even at a distance. Nor in the Slave States is this spirit confined to the outbreaks of mere lawlessness. Too strong for restraint, it finds no limitation except in its own barbarous will. The Government becomes its tool, and in official acts does its bidding. Here again the instances are numerous, I might dwell on the degradation of the Postoffice, when its official head consented that, for the sake of Slavery, the mails themselves should be rifled. I might dwell also on the cruel persecution of free persons

of color, who, in the Slave States generally, and even here in the District of Columbia, are not allowed to testify where a white man is in question, and who in several States are menaced by legislative act with the alternative of expulsion from their homes or of reduction to Slavery. But I pass at once to two illustrative transactions, which, as a son of Massachusetts, I cannot forget.

1. The first relates to a citizen, of purest life and perfect integrity, whose name is destined to fill a conspicuous place in the history of freedom, William Lloyd Garrison. Born in Massachusetts, bred to the same profession with Benjamin Franklin, and, like his great predecessor, becoming an editor, he saw with instinctive clearness the wrong of slavery, and at a period when the ardors of the Missouri question had given way to indifference throughout the North, he stepped forward to denounce it. The jail at Baltimore, where he then resided, was his earliest reward. Afterward, Jan. 1, 1831, he published the first number of the *Liberator*, inscribing for his motto an utterance of Christian philanthropy, "My country is the world, my countrymen are all mankind," and declaring in the face of surrounding apathy, "I am in earnest. I will not equivocate, I will not retreat a single inch, and I will be heard." In this sublime spirit he commenced his labors for the slave, proposing no intervention by Congress in the States, and on well considered principle avoiding all appeals to the bondmen themselves. Such was his simple and thoroughly-constitutional position, when, before the expiration of the first year, the Legislature of Georgia, by solemn act, a copy of which I have now before me, "approved" by Wilson Lumpkin, Governor, appropriated $5,000 "to be paid to any person who shall arrest, bring to trial, and prosecute to conviction under the laws of this State, the editor or publisher of a certain paper called the *Liberator*, published at the town of Boston and State of Massachusetts." This infamous legislative act, touching a person absolutely beyond the jurisdiction of Georgia, and in no way amenable to its laws, constituted a plain bribe to the gangs of kidnappers engendered by slavery. With this barefaced defiance of justice and decency slave masters inaugurated the system of violence by which they have sought to crush every voice that has been raised against slavery.

2. Here is another illustration of a different character. Free persons of color, citizens of Massachusetts, and, according to the institutions of this Commonwealth, entitled to equal privileges with other citizens, being in service as mariners, and touching at the port of Charleston, in South Carolina, have been seized, and with no allegation against them except of entering this port in the discharge of their rightful business, have been cast into prison, and there detained during the delay of the vessel. This is by virtue of a statute of South Carolina, passed in 1823, which further declares that in the failure of the captain to pay the expenses, these freemen "shall be seized and taken as absolute slaves," one moiety of the proceeds of their sale to belong to the sheriff. Against all remonstrance—against the official opinion of Mr. Wirt, as Attorney General of the United States, declaring it unconstitutional—against the solemn judgment of Mr. Justice Johnson, of the Supreme Court of the United States, himself a slave-master, and citizen of South Carolina, also pronouncing it unconstitutional—this statute, which is an obvious injury to Northern ship-owners, as it is an outrage to the mariners whom it seizes, has been upheld to this day by South Carolina. But this is not all. Massachusetts, in order to obtain for her citizens that protection which was denied, and especially to save them from the dread penalty of being sold into slavery, appointed a citizen of South Carolina to act as her agent for this purpose, and to bring suits in the Circuit Court of the United States, in order to try the constitutionality of this pretension. Owing to the sensibility of the people in that State this agent declined to render this simple service. Massachusetts next selected one of her own sons, a venerable citizen, who had already served with honor in the other House of Congress, and who was of admitted eminence as a lawyer, Hon. Samuel Hoar, of Concord, to visit Charleston, and to do what the agent first appointed had shrunk from doing. This excellent gentleman, beloved by all who knew him, gentle in manners as he was firm in character, and with a countenance that was in itself a letter of recommendation, arrived at Charleston, accompanied only by his daughter. Straightway all South Carolina was convulsed. According to a story in Boswell's Johnson, all the inhabitants of St. Kilda, a remote island of the Hebrides, on the approach of a stranger, "catch cold;" but in South Carolina it is a fever they "catch." The Governor at the time, who was none other than one of her present Senators, (Mr. Hammond,) made his arrival the subject of a special message to the Legislature, which I now have before me; the Legislature all "caught" the fever, and swiftly adopted resolutions calling upon "His Excellency the Governor to expel from its territory the said agent, after due notice to depart," and promising to sustain the Executive authority in any measures it may adopt for the purposes aforesaid." Meanwhile the fever raged in Charleston. The agent of Massachusetts was first accosted in the street by a person who was unknown to him, who, flourishing a bludgeon in his hand—the bludgeon always shows itself where slavery is in question—cried out: "You had better be traveling, and the sooner the better for you, I can tell you. If you stay here until to-morrow morning, you will feel something you will not like, I'm thinking." Next came threats of an attack during the following night on the hotel in which he was lodged; then a request from the landlord that he should quit, in order to preserve the hotel itself from the impending danger of an infuriated mob; then a committee of slave masters, who politely proposed to conduct him to the boat. Thus arrested in his simple errand of good will, this venerable public servant, whose appearance alone—like that of the "grave and pious man," mentioned by Virgil—would have softened any mob not inspired by slavery, yielded to the ejectment proposed—precisely as the prisoners yielded to the officers of the law—and left Charleston, while a person in the crowd was heard to offer himself as "the leader of a tar and feathering gang to be called into the service of the city on the occasion." Nor is this all. The Legislature a second time "caught" the fever, and yielding to its influence, passed another statute, forbidding, under severe penalties, any person within the State from accepting a commission to befriend these colored mariners, and under penalties severer still, extending even to imprisonment for life, prohibiting any person "on his own behalf or by virtue of any authority from any State," to come within South Carolina for this purpose; and then, to complete its work, the Legislature took away its writ of

habeas corpus from all such mariners. Such is a simple narrative founded on authentic documents. I do not adduce it now for criticism, but simply to enroll it in all its stages, commencing with the earliest pretension of South Carolina, continuing in violence and ending in yet other pretensions—among the special instances where the barbarism of Slavery stands confessed even in official conduct. And yet this transaction, which may well give to South Carolina the character of a shore "where shipwrecked mariners dread to land," has been openly vindicated in all its default, from beginning to end, by both the Senators from that State, while one of them, (Mr. Hammond,) in the same breath, has borne testimony from personal knowledge to the character of the public agent thus maltreated, saying, "He was a pleasant, kind old gentleman, and I had a sort of friendship for him during the short time I sat near him in Congress."

Thus, Sir, whether we look at individuals or at the community where Slavery exists, at lawless outbreaks or at official conduct, slavemasters are always the same. Enough, you will say, has been said. Yes; enough to expose Slavery, but not enough for truth. The most instructive and most grievous part still remains. It is the exhibition of slavemasters in Congressional history. Of course the representative reflects the character as well as the political opinions of the constituents whose will it is his boast to obey. It follows that the passions and habits of slavemasters are naturally represented in Congress—chastened, to a certain extent, perhaps, by the requirements of Parliamentary law, but breaking out in fearful examples. And here again facts shall speak, as nothing else can.

In proceeding with this duty, to which, as you will perceive, I am impelled by the positive requirements of this debate, I crave the indulgence of the Senate, while, avoiding all allusions to private life or private character, and touching simply what is of record, and already "enrolled in the capitol." I present a few only of many instances, which, especially during these latter days, since slavery has become paramount, have taken their place in our national history. Here is an instance: On the 15th of February, 1837, R. M. Whitney was arraigned before the House of Representatives for contempt, in refusing to attend, when required, before a committee of investigation into the administration of the Executive office. His excuse was that he could not attend without exposing himself thereby to outrage and violence in the committee room; and on examination at the bar of the House, Mr. Fairfield, a member of the committee, afterwards a member of this body, and Governor of Maine, testified to the actual facts. It appeared that Mr. Peyton, a slavemaster from Tennessee, and a member of the committee, regarding a certain answer in writing by Mr. Whitney to an interrogatory propounded by him as offensive, broke out in these words:

"Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God d—n him, I will take his life on the spot!"

The witness, rising, claimed the protection of the committee, on which Mr. Peyton exclaimed:

"God d—n you, you shan't speak; you shan't say one word, while you are in this room; if you do, I will put you to death."

Mr. Wise, another slave master from Virginia, Chairman of the Committee, and lately Governor of Virginia, then intervened, saying:

"Yes, this d—d insolence is insufferable."

Soon after, Mr. Peyton, observing that the witness was looking at him, cried out:

"D—n him, his eyes are on me—God d—n him, he is looking at me; he shan't do it—d—n him, he shan't look at me."

These things, and much more, disclosed by Mr. Fairfield, in reply to interrogatories in the House, were confirmed by other witnesses, and Mr. Wise himself, in a speech, made the admission that he was armed with deadly weapons, saying—

"I watched the motion of that right arm, (of the witness,) the elbow of which could be seen by me, and had it moved one inch, he had died on the spot. Such was my determination."

All this will be found in the thirteenth volume of the "Congressional Debates," with the evidence in detail, and the discussion thereupon.

Here is another instance of similar character, which did not occur in a Committee room, but during debate in the Senate Chamber. While the Compromise measures were under discussion in 1850, on the 17th of April, 1850, Mr. Foote, a slave master from Mississippi, in the course of his remarks commenced a personal allusion to Mr. Benton. This was aggravated by the circumstance that only a few days previously he had made this distinguished gentleman the mark for most bitter and vindictive personalities. Mr. Benton rose at once from his seat, and, with an angry countenance, but without weapons of any kind in his hand or, as it appeared afterwards before the Committee, on his person, advanced in the direction of Mr. Foote, when the latter, gliding backwards, drew from his pocket a five-chamber revolver, full loaded, which he cocked. Meanwhile, Mr. Benton, at the suggestion of friends, was already returning to his seat, when he perceived the pistol. Excited greatly by this deadly menace, he exclaimed, "I am not armed, I have no pistols. I disdain to carry arms. Stand out of the way, and let the assassin fire." Mr. Foote remained standing in the position he had taken, with his pistol in his hand, cocked. "Soon after," says the report of the committee appointed to investigate this occurrence, "both Senators resumed their seats, and order was restored." All this will be found at length in the twenty-first volume of the *Congressional Globe*.

Another instance, which belongs to the same class, is given by the Honorable William Jay, a writer of singular accuracy, and of the truest principle, who has done much to illustrate the history of our country. It is this: Mr. Dawson, a slave-master from Louisiana, and a member of the House of Representatives, went up to another member on the floor of the House, and addressed to him these words: "If you attempt to speak, or rise from your seat, sir, by G—d I'll cut your throat." The duel, which, at home in the slave States, is "twin" with the "street-fight," is also "twin" with those instances. It is constantly adopted or attempted by slave-masters in Congress. But I shall not enter upon this catalogue. I content myself with showing the openness with which in debate it has been menaced, and without any call to order. Mr. Foote, the same slave-master already mentioned, in debate in the Senate 26th of March, 1850, thus sought to provoke Mr. Benton. I take his words from the *Congressional Globe*, vol. 21, p. 603:

"There are instances in the history of the Senator which might well relieve a man of honor from obligation to recognize him as a fitting antagonist; yet it is, notwithstanding, true, that if the Senator

from Missouri will deign to acknowledge himself responsible to the laws of honor, he shall have a very early opportunity of proving his prowess in contest with one over whom I hold perfect control: or, if he feels in the least aggrieved at anything which has fallen from me, he shall, on demanding it, have full redress accorded to him, according to the said laws of honor. I do not denounce him as a coward; such language is unfit for this audience; but if he wishes to patch up his reputation for courage, now greatly on the wane, he will certainly have an opportunity of doing so whenever he makes his desire known in the premises. At present he is shielded by his age, his open disavowal of the obligatory laws of honor, and his Senatorial privileges."

With such bitter taunts and reiterated provocations to the duel was Mr. Benton pursued; but there was no call to order nor any action of the Senate on this outrage.

Here is another instance. In the debate in the Senate on the 27th February, 1853, Mr. Clemens, a slave master of Alabama, thus directly attacked Mr. Rhett, for undertaking to settle their differences by argument in the Senate rather than by the duel. "No man," said he, "with the feelings of the man in his bosom, would have sought redress here. He would have looked for it elsewhere. He now comes here not to ask redress in the only way he should have sought it." There was no call to order. Here is still another. In the debate of the bill for the improvement of rivers and harbors, 29th July, 1854, (*Congressional Globe*, vol. 29, appendix, page 1, 163,) the Senator from Louisiana, Mr. Benjamin, who is still a member of this body, ardent for slavery, while professing to avoid personal altercation in the Senate, especially "with a gentleman who professes the principles of non-resistance, as he understood the Senator from New York does," proceeded most earnestly to repel an imagined imputation upon him by Mr. Seward, and wound up by saying, "If it came from another quarter, it would not be upon this floor that I should answer it." And then, during the present session, the Senator from Mississippi, Mr. Davis, who speaks so often for slavery, in a colloquy on this floor with the Senator from Vermont, Mr. Collamer, has maintained the duel as a mode of settling personal honor, as if personal honor did not depend absolutely upon what a man does, and not what is done to him. "A gentleman," says the Senator, "has the right to give an insult if he feels himself bound to answer for it," and to reply to the Senator from Vermont, he declared that, in case of insult, taking another out and shooting him might be "satisfaction."

I do not dwell on this instance, nor on any of these instances, except to make a single comment. These declarations have all been made in open Senate, without any check from the Chair. Of course, they are clear violations of the first principles of parliamentary law, and tend directly to provoke a violation of the law of the land. All duels are prohibited by solemn acts of Congress. (See Statutes at large, vol. 5, page 318, Feb. 20, 1839.) In case of death, the surviving parties are declared guilty of felony, to be punished by hard labor in the Penitentiary; and, even where nothing has occurred beyond the challenge, all the parties to it, whether givers or receivers, are declared guilty of high crime and misdemeanor, also to be punished by hard labor in the Penitentiary. Of course, every menace of a duel in Congress sets this law at defiance; and yet the Senators, who thus openly disregard a law sanctioned by the Constitution and commended by morality, presume to complain on this floor because other Senators disregard the Fugitive Slave bill, a statute which, according to the profound convictions of large numbers, is as unconstitutional as it is offensive to the moral sense. Let Senators who are so clamorous for the "enforcement of laws," begin by enforcing the statute which declares the duel to be a felony. At least, let the statute cease to be a dead letter in this Chamber. But this is too much to expect while slavery prevails here, for the duel is a part of that system of violence which has its origin in slavery.

But it is when aroused by the slave question in Congress that slave masters have most truly shown themselves; and here again I shall speak only of what has already passed into history. Even in the earliest debate, in the first Congress after the Constitution, on the memorial of Dr. Franklin, simply calling upon Congress "to step to the verge of its powers to discourage every species of traffic in our fellow-men;" the slave masters became angry, indulged in sneers at "the men in the gallery," being Quakers and Abolitionists, and, according to the faithful historian, Hildreth, poured out "torrents of abuse," while one of them began the charge so often since directed against all Anti-Slavery men, by declaring his astonishment that Dr. Franklin had "given countenance to an application which called upon Congress, in explicit terms, to break a solemn compact to which he had himself been a party," when it was obvious that Dr. Franklin had done no such thing. This great man was soon summoned away by death, but not until he had fastened upon this debate an undying condemnation, by portraying with his matchless pen, a scene in the Divan at Algiers, where a Corsair slave-dealer, insisting upon the enslavement of white Christians, is made to repeat the Congressional speech of an American slave master.

But these displays of violence have naturally increased with the intensity of the discussion. Impelled to be severe, but with the little appreciation of the finer forms of debate, they could not be severe except by violating the rules of debate; not knowing that there is a serener power than any found in personalities, and that all severity which transcends the rules of debate becomes disgusting as the talk of the Yahoos, and harms him only who degrades himself to be its mouthpiece. Of course, on such occasions, the cause of Slavery, amid all seeming triumphs, has lost, and truth has gained. It was against John Quincy Adams that this violence was first directed in full force. To a character spotless as snow, and to universal attainments as a scholar, this illustrious citizen added experience in all the eminent posts of the Republic, which he had filled with an ability and integrity, now admitted even by his enemies, and which faithful history cannot forget. Having been President of the United States, he entered the House of Representatives at the period when the slave question in its revival first began to occupy public attention. In all the completeness of his nature, he became the representative of human freedom. The first struggle occurred on the right of petition, which slave masters, with characteristic tyranny, sought to suppress. This was resisted by the venerable patriot, and what he did was always done with his whole heart. Then was poured upon him abuse as from a cart. Slave masters, "foaming out their

shame," became conspicuous, not less for an avowal of sentiments at which civilization blushed, than for an effrontery of manner where the accidental legislator was lost in the natural overseer, and the lash of the plantation resounded in the voice.

In an address to his constituents, Sep. 17, 1842, Mr. Adams thus frankly describes the treatment he had experienced:

"I never can take part in any debate upon an important subject, be it only upon a mere abstraction, but opens upon me personal invective in return. Language has no word of reproach and railing that is not hurled at me."

And in the same speech he gives a glimpse of slave matters:

"Where the South cannot effect her object by brow-beating, she wheedles."

On another occasion he said, with his accustomed power:

"Insult, bullying and threat characterize the slaveholders in Congress; talk, timidity and submission, the representatives from the free States."

Nor were the slave masters contented with the violence of words. True to the instincts of slavery, they threatened personal indignity of every kind, and even assassination. And here South Carolina naturally took the lead. The Charleston *Mercury*, which always speaks the true voice of slavery, said, in 1837:

"Public opinion in the South would now, we are sure, justify an immediate resort to force by the Southern delegation, even on the floor of Congress, were they forthwith to seize and drag from the hall any man who dared to insult them, as that eccentric old showman, John Quincy Adams, has dared to do."

And at a public dinner at Walterborough, in South Carolina, on the 4th of July, 1842, the following toast, afterwards preserved by Mr. Adams in one of his speeches, was drunk with unbounded applause:

"May we never want a Democrat to trip up the heels of a Federalist, or a hagman to prepare a halter for John Quincy Adams. [Nine cheers.]"

A slave master from South Carolina, Mr. Waddy Thompson, in debate in the House of Representatives, threatened the venerable patriot with the "penitentiary;" and another slave master, Mr. Marshall, of Kentucky, insisted that he should be "silenced." Ominous word! full of suggestion to the bludgeon-bearers of slavery. But the great representative of Freedom stood firm. Meanwhile slavery assumed more and more the part of the giant Maul in the *Pilgrims' Progress*, who continued with his club breaking the skulls of pilgrims until he was slain by Mr. Great Heart, making way for the other pilgrims, Mr. Valiant for Truth, Mr. Standfast, and Mr. Honest.

Next to John Quincy Adams, no person in Congress has been more conspicuous for long continued and patriotic services against slavery than Joshua R. Giddings, of Ohio; nor have any such services received in higher degree that homage which is found in the personal and most vindictive assaults of slavemasters. For nearly twenty years he sat in the House of Representatives, bearing his testimony always loftily, and never shrinking, though exposed to the grossest brutality. In a recent public address at New York he has himself recounted some of these instances. On the presentation by him of resolutions affirming that slavery was a local institution, and could not exist outside of the slave States, and applying this principle to the case of a Creole, the House "caught" the South Carolina Fever. A proposition censuring him was introduced by slavemasters, and pressed to a vote under the operation of the previous question, without giving him a moment for explanation or reply. This glaring outrage upon freedom of debate was redressed at once by the constituency of Mr. Giddings, who returned him again to his seat. From that time the rage of the slavemasters against him was constant. Here is his own brief account:

"I will not speak of the time when Dawson, of Louisiana, drew a bowie-knife for my assassination. I was afterwards speaking with regard to a certain transaction in which negroes were concerned in Georgia, when Mr. Black, of Georgia, raised his bludgeon, and standing in front of my seat, said to me, 'If you repeat that language again, I will knock you down.' It was a solemn moment for me. I had never been knocked down, and having some curiosity upon that subject, I repeated the language. Then Mr. Dawson, of Louisiana, the same who had drawn the bowie-knife, placed his hand in his pocket and said, with an oath which I will not repeat, that he would shoot me, at the same time cocking the pistol, so that all around me could hear it click."

Listening to these horrors, ancient stories of barbarism seem all outdone, and the "viper broth," which was a favorite decoction in a barbarous age, seems to have become the daily drink of American slavemasters. But Mr. Giddings, strong in the consciousness of right, knew the dignity of his position. He knew that it is honorable always to serve the cause of liberty, and that it is a privilege to suffer for this cause. Reproach, contumely, violence even unto death, are regards, not punishments; and clearly the indignities which you offer can excite no shame, except for their authors.

Besides these eminent instances, others may be mentioned, showing the personalities to which Senators and Representatives have been exposed when undertaking to speak for Freedom. And truth compels me to add that there is too much evidence that these have been aggravated by the circumstance that, where persons notoriously rejected an appeal to the duel, such insults could be offered with impunity. Here is an instance: In 1848, Mr. Hale, the Senator from New Hampshire, who still continues an honor to this body, introduced into the Senate a bill for the protection of property in the District of Columbia, especially against mob-violence. In the course of the debate that ensued, Mr. Foote, a slavemaster from Mississippi, thus menaced him:

"I invite the Senator to the State of Mississippi, and I will tell him beforehand, in all honesty, that he could not go ten miles into the interior before he would grace one of the tallest trees of the forest with a rope around his neck, with the approbation of every virtuous and patriotic citizen; and that, if necessary, I should myself assist in the operation."

That this bloody threat may not seem to stand alone, I add two others. Mr. Hammond, of South Carolina, now a Senator, is reported as saying in the House of Representatives:

"I warn the Abolitionists, ignorant, infatuated barbarians as they are, that if chance shall throw any of them into our hands, they may expect a felon's death."

And in 1841, Mr. Payne, a slave master from Alabama, in the course of debate in the House of Representatives, alluding to the Abolitionists, among whom he insisted the Postmaster General ought to be included, declared that—

"He would put the brand of Cain upon them

—yes, the mark of hell—and if they came to the South, he would hang them like dogs."

And these words were applied to men who simply expressed the recorded sentiments of Washington, Jefferson, and Franklin.

Even during the present session of Congress, I find in the *Congressional Globe* the following interruptions of Mr. Lovejoy, when speaking on slavery. I do not characterize them, but simply cite them. By Mr. Barksdale, of Mississippi:

"Order that black hearted scoundrel and nigger-stealing thief to take his seat."

By Mr. Boyce, of South Carolina, addressing Mr Lovejoy:

"Then behave yourself."

By Mr. Gartrell, of Georgia, (in his seat)—

"The man is crazy."

By Mr. Barksdale, of Mississippi, again—

"No, sir; you stand there to-day an infamous, perjured villain."

By Mr. Ashmore, of South Carolina—

"Yes; he is a perjured villain, and he perjures himself every hour he occupies a seat on this floor."

By Mr. Singleton, of Mississippi—

"And a negro thief into the bargain."

By Mr. Barksdale, of Mississippi, again—

"I hope my colleague will hold no parley with that perjured thief."

By Mr. Singleton, of Mississippi, again—

"No, sir; any gentleman shall have time, but not such a mean, despicable wretch as that."

By Mr. Martin, of Virginia—

"And if you come among us, we will do with you as we did with John Brown—hang you as high as Haman. I say that as a Virginian."

But enough—enough; and I now turn from this branch of the argument with a single remark. While exhibiting the character of slave masters, these numerous instances—and they might be multiplied indefinitely—attest the weakness of their cause. It requires no special talent to estimate the insignificance of an argument that can only be supported by violence. The scholar will not forget the story told by Lucian of a colloquy between Jupiter and a simple countryman. They talked with ease and freedom until they differed, when the angry god at once menaced his honest opponent with a thunderbolt. "Ah, ah!" said the clown, with perfect composure, "now, Jupiter, I know you are wrong. You are always wrong when you appeal to your thunder." And permit me to say that every appeal, whether to the duel, the bludgeon, or the revolver—every menace of personal violence, and every outrage of language, besides disclosing a hideous barbarism, also discloses the fevered nervousness of a cause already humbled in debate.

(4) Much as has been said to exhibit the character of slave masters, the work would be incomplete if I failed to point out that unconsciousness of the fatal influence of slavery which completes the evidence of the barbarism under which they live. Nor am I at liberty to decline this topic; but I shall be brief.

The Senators should openly declare slavery "ennobling," at least to the master, and also "the black marble keystone of our national arch," would excite wonder if it were not explained by the examples of history. There are men who, in the spirit of parodox, make themselves the partizans of a bad cause, as Jerome Cardan wrote an encomium on Nero. But where there is no disposition to paradox, it is natural that a cherished practice should bind those who are under its influence; nor is there any end to these exaggerations. According to Thucydides, piracy in the early ages of Greece, was alike widespread and honorable; so much so that Telemachus and Mentor, on landing at Mycenæ were asked by Nestor if they were pirates, precisely as a stranger in South Carolina might be asked if he were a slave-master. Kidnapping, too, which was a kindred indulgence, was openly avowed, and, I doubt not, held to be "ennobling." Next to the unconsciousness which is noticed in childhood, is the unconsciousness of barbarism. The real barbarism is as unconscious as an infant; and the slave-master shows much of the same character. No New-Zealander exults in his tatoo, no savage of the northwest coast exults in his flat head more than the slave-master in these latter days, and always of course, with honorable exceptions—exults in his unfortunate condition. The slave master hugs his disgusting practice as the Carib of the Gulf hugged cannibalism, and as Brigham Young now hugs Polygamy. The delusion of the "goitre" is repeated. This prodigious swelling of the neck constituing a "hideous wallet of flesh" pendulous upon the breast, is common to the population on the slopes of the Alps; but, accustomed to this deformity, the sufferer comes to regard it with pride, as slave masters with us regard slavery, and it is said that those who have no swelling are laughed at and called "goose-necked." With knowledge comes distrust and the modest consciousness of imperfection; but the pride of barbarism has no such limitations. It dilates in the thin air of ignorance, and makes boast. Surely, if these illustrations are not entirely inapplicable, then must we find in the boasts of slave masters new occasion to regret the influence of slavery.

It is the same influence which renders slave masters insensible to these characters, which are among the true glories of the Republic; which make them forget that Jefferson, who wrote the Declaration of Independence, that Washington, who commanded its armies, were Abolitionists; renders them insensible to the inspiring words of the one, and to the commanding example of the other. Of the great men it is the praise, well deserving perpetual mention, and only grudged by a malign influence, that, reared amidst slavery, they did not hesitate to condemn it. To the present debate, Jefferson, in repeated utterances, alive with the fire of genius and truth, has contributed the most important testimony for freedom ever pronounced in this hemisphere, in words equal to the cause; and Washington, often quoted as a slave master, in the solemn depositions of his last will and testament, has contributed an example which is beyond even the days of Jefferson. Do not, sir, call him a slave master who entered into the presence of his Maker only as the emancipator of his slaves. The difference between such men and the slave masters whom I expose to-day, is so precise that it cannot be mistaken. The first looked down upon slavery; the second look up to slavery. The first, recognizing its wrong, were at once liberated from its pernicious influences; while the latter, upholding it as right and "ennobling," must naturally draw from it motives of conduct. The first, conscious of the character of slavery, were not misled by it; the second, dwelling in unconsciousness of its true character, surrender blindly to its barbarous tendencies, and verifying the words of the poet,

"—— So perfect in their misery,
Not once perceive their foul disfigurement,
But boast themselves more comely than before."

Mr. President, It is time to close this branch of the argument. The barbarism of slavery has been now exposed, first, in the law of slavery, with its five pretensions, founded on the assertion of property in man, the denial of the conjugal relation, the infraction of the parental relation, the exclusion from knowledge, and the robbery of the fruits of another's labors, all these having the single object of compelling men to work without wages, while its barbarism was still further attested by tracing the law in its origin to barbarous Africa; and, secondly, it has been exposed in a careful examination of the economical results of slavery, illustrated by a contrast between the Free States and the Slave States, sustained by official figures. From this exposure of slavery, I proceed to consider its influences on slave masters, whose true character stands confessed, first, in the law of slavery, which is their work; next, in the relations between them and their slaves, maintained by three inhuman instruments; next, in their relations with each other, and with society, and here we have seen them at home under the immediate influence of slavery—also in the communities of which they are a part—practising violence and pushing it everywhere, in street fight or duel; especially raging fiercely against all who question the pretensions of slavery; entering even into the Free States, but not in lawless outbreaks only; also, in official acts, as of Georgia and of South Carolina, with regard to two Massachusetts' citizens; and then, ascending in audacity, entering the halls of Congress, where they have raged as at home, against all who have set themselves against their assumptions, while the whole gloomy array of unquestionable facts has been closed by portraying the melancholy unconsciousness which constitutes one of the distinctive features of this barbarism.

Such is my answer to the assumption of fact in behalf of slavery by Senators on the other side. But before passing to that other assumption of constitutional law, which constitutes the second branch of this discussion, I add testimony to the influence of slavery on slave masters in other countries, which is too important to be neglected, and may probably find a place here. Among those who have done most to press forward in Russia that sublime act of emancipation by which the present Emperor is winning lustre, not only for his own country, but our age, is M. Tourgueneff. Originally a slavemaster himself, with numerous slaves, and residing where slavery prevailed, he saw, with the instincts of a noble character, the essential barbarism of this relation, and in an elaborate work on Russia, which is now before me, he exposed it with rare ability and courage. Thus he speaks of its influence on slave masters:

"But if slavery degrades the slave, it degrades more the master. This is an old adage, and long observations have proved to me that this adage is not a paradox. In fact, how can that man respect his own dignity, his own rights, who has learned not to respect either the rights or the dignity of his fellow man? What control can the moral and religious sentiments have over a man who sees himself invested with a power so eminently contrary to morals and religion? The continual exercise of an unjust claim, even when it is moderated, finishes by corrupting the character of the man and spoiling his judgment. * * * The possession of a slave being the result of injustice, the relations of the master with the slave cannot be otherwise than a succession of injustices. Among good masters—and it is agreed to call so those who do not abuse their power as much as they might—these resolutions are clothed with forms less repugnant than among others, but here the difference stops. Who could remain always pure, when carried away by his disposition, excited by his temper, drawn by caprice, he can with impunity oppress, insult, humiliate his fellows? And let it be carefully remarked that intelligence, civilization, do not avail. The enlightened man, the civilized, is none the less a man; that he should not oppress, it is necessary that it should be impossible for him to oppress. All men cannot, like Louis XV., throw their stick from the window when they feel a desire to strike.—*La Russie et Les Russes, vol. II., pages* 157-8"

Another authority, unimpeachable in all points, whose fortune it has been, from extensive travels, to see slavery in the most various forms, and slave masters under the most various conditions—I refer to the great African traveler, Dr. Livingstone—thus touches the character of slave masters:

"I can never cease to be unfeignedly thankful that I was not born in a land of slaves. No one can understand the unutterable meanness of the slave system on the minds of those who, but for the strange obliquity which prevents them from feeling the degradation of not being gentlemen enough to pay for services rendered, would be equal in virtue to ourselves. Fraud becomes as natural to them as 'paying one's way' is to the rest of mankind."—*Livingstone's Travels, chapter II., page* 33.

Thus does the experience of slavery in other countries confirm the sad experience among us.

Second Assumption—Discarding now all the presumptuous boasts for slavery, and bearing in mind its essential barbarism, I come to consider that second assumption of Senators on the other side, which is, of course, inspired by the first event, if not its immediate consequence, that, under the Constitution, slave masters may take their slaves into the national Territories, and there continue to hold them, as at home in the slave States; and that this would be the case in any Territory newly acquired, by purchase or by war, as of Mexico on the South, or Canada on the North. And here I begin by the remark, that as the assumption of Constitutional law is inspired by the assumption of fact with regard to the "ennobling" character of slavery, so it must lose much, if not all, of its force, when the latter assumption is shown to be false, as has been done to-day. When slavery is seen to be the barbarism which it is, there are few who would not cover it from sight rather than insist upon sending it abroad with the flag of the Republic. It is only because people have been insensible to its true character, that they have tolerated for a moment its exorbitant pretensions. Therefore, this long exposition, where slavery has been made to stand forth in its fivefold barbarism, with the single object of compelling men to work without wages, naturally prepares the way to consider the assumption of Constitutional law.

This assumption may be described as an attempt to Africanize the Constitution, by introducing into it the barbarous law of slavery, derived as we have seen originally from barbarous Africa; and, then, through some Africanization of the Constitution, to Africanize the Territories. In using this lan-

guage to express the obvious effect of this assumption, borrow a suggestive term, first employed by a Portuguese writer at the beginning of this century, when protesting against the spread of slavery in Brazil. (See Koster's Travels in Brazil, vol. ii., p. 248.) Analyze the assumption, and it will be found to stand on two pretensions, either of which failing, the assumption fails also. These two are—first, the African pretension of property in man; and, secondly, the pretension that such property is recognized in the Constitution. With regard to the first of these pretensions, I might simply refer to what I have already said in an earlier part of this argument. But I should do injustice to the part it has been made to play in this controversy, if I did not again expose it. Then I sought particularly to show its barbarism; now I shall show something more.

Property implies an owner and a thing owned. On the one side is human being, and on the other side a thing. But the very idea of a human being necessarily excludes the idea of property in that being, just as the very idea of a thing necessarily excludes the idea of a human being. It is clear that a thing cannot be a human being, and it is equally clear that a human being cannot be a thing. And the law itself, when it adopts the phrase "relation of master and slave," confesses its reluctance to sanction the claim of property. It shrinks from the pretension of Senators, and satisfies itself with a formula which does not openly degrade human nature. If this property does not exist, out of what title is it derived? Under what ordinance of Nature or of Nature's God is one human being stamped an owner and another stamped a thing? God is no respecter of persons. Where is the sanction for this respect of certain persons to a degree which becomes outrage to other persons? God is the father of the human family, and we are all his children. Where, then, is the sanction of this pretension by which a brother lays violent hands upon a brother? To ask these questions is humiliating; but it is clear there can be but one response. There is no sanction for such pretension; no ordinance for it, or title. On all grounds of reason, and waiving all questions of "positive" statute, the Vermont Judge was nobly right when, in rejecting the claim of a slave master, he said: "No; not until you show a bill of sale from the Almighty." Nothing short of this impossible link in the chain of title would do. I know something of the great judgments by which the jurisprudence of our country has been illustrated; but I doubt if there is anything in the wisdom of Marshall, the learning of Story, or the completeness of Kent, which will brighten with time like this honest decree.

The intrinsic feebleness of this pretension is apparent in the intrinsic feebleness of the arguments by which it is maintained. These are two fold, and both have been put forth in recent debate by the Senator from Mississippi, (Mr. Davis.) The first is the alleged inferiority of the African race; an argument which, while surrendering to slavery a whole race, leaves it uncertain whether the same principle may not be applied to other races, as to the polished Japanese, who are now the guests of the nation, and even to persons of obvious inferiority to the white race. Indeed, the latter pretension is openly made in other quarters. The Richmond *Enquirer*, a leading journal of slave masters, declares, "The principle of slavery is in itself right, and does not depend on difference of complexion." And a leading writer among slave masters, George Fitzhugh, of Virginia, in his Sociology for the South, declares, "slavery, black or white, is right and necessary. Nature has made the weak in mind or body for slaves." And in the same vein, a Democratic paper of South Carolina has said: "Slavery is the natural and normal condition of the laboring man, white or black." These more extravagant pretensions reveal still further the feebleness of the pretensions put forth by the Senator; while instances, accumulating constantly, attest the difficulty of discriminating between the two races. Mr. Paxton, of Virginia, tells us that "the best blood in slaves have been latterly advertised as possessing "a round face," "blue eyes," "flaxen hair," and as "escaping under the pretence of being a white man."

This is not the time to enter upon the great question of race, in the various lights of religion, history and science. Sure I am that they who understand it best will be least disposed to the pretension which, on the assumed ground of inferiority, would condemn one race to be the property of another. If the African race be inferior, as is alleged, then it is the unquestionable duty of a Christian civilization to lift it from its degradation, not by the bludgeon and the chain—not by the barbarous pretension of ownership—but by a generous charity, which shall be measured precisely by the extent of its inferiority. The second argument put forward for this pretension, and twice repeated by the Senator from Mississippi, is that the Africans are the posterity of Ham, the son of Noah, through Canaan, who was cursed by Noah, to be the "servant"—that is the word employed—of his brethren, and that this malediction has fallen upon all his descendants, who are accordingly devoted by God to perpetual bondage not only in the third and fourth generations, but throughout all succeeding time. Surely when the Senator quoted scripture to enforce the claim of slavemasters, he did not intend a jest, and yet it is hard to suppose him in earnest. The Senator is Chairman of the Committee on Military Affairs, in which he is doubtless experienced. He may, perhaps, set a squadron in the field, but he has evidently considered very little the text of Scripture on which he relies. The Senator assumes that it has fixed the doom of the colored race, leaving untouched the white race. Perhaps he does not know that in the worst days of the Polish aristocracy this same argument was adopted as the excuse for holding white serfs in bondage, and that even to this day the angry Polish noble addresses his white peasant as the "son of Ham."

It hardly comports with the gravity of this debate to dwell on such an argument, and yet I cannot go wrong if, for the sake of a much injured race, I brush it away. To justify the Senator in his application of this ancient curse, he must maintain at least five different propositions, as essential links in the chain of the Afric-American slave: First, that by this malediction, Canaan himself was actually changed into a chattel, whereas he is simply made the "servant" of his brethren; secondly, that not merely Canaan but all his posterity to the remotest generation was so changed, whereas the language has no such extent; thirdly, that the Afric-American actually belongs to the posterity of Canaan—an ethnological assumption absurdly difficult to establish; fourthly, that each of the descendants of Shem and Japheth has a right to hold an Afric-American fellow man as a "chattel"—a proposition which finds no semblance of support; and fifthly, that every slave-master is fully descended from Shem or Japheth—a pedigree which no anxiety can establish! This plain analysis, which may fitly excite a smile,

shows the five-fold absurdity of an attempt to found this pretension on

Any successive title long and dark,
Drawn from the mouldy rolls of Noah's ark.

From the character of these two arguments for property in man, I am brought again to its denial.

It is natural that Senators who pretend that, by the law of nature, man may hold property in man, should find this pretension in the Constitution. But the pretension is as much without foundation in the Constitution as it is without foundation in nature. It is not too much to say that there is not one sentence, phrase or word—not a single suggestion, hint, or equivocation, even—out of which any such pretension can be implied; while great national acts and important contemporaneous declarations in the Convention which framed the Constitution, in different forms of language, and also controlling rules of interpretation, render this pretension impossible. Partisans, taking counsel of their desires, find in the Constitution, as in the Scriptures, what they incline to find; and never was this more apparent than when slave masters deceive themselves so far as to find in the Constitution a pretension which exists only in their own souls. Looking juridically for one moment at this question, we shall be brought to the conclusion according to the admission of Courts and jurists first in Europe and then in our own country, that slavery can be derived from no doubtful word or mere pretension, but only from clear and special recognition.

"The state of slavery," said Lord Mansfield, pronouncing judgment in the great case of Somersett, "is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law. It is so odious that nothing can be suffered to support it but positive law"—that is, expressed words of a written text, and this principle, which commends itself to the enlightened reason, has been adopted by several Courts in the slave States. Of course, every leaning must be against slavery. A pretension so peculiar and offensive—so hostile to reason—so repugnant to the laws of nature and the inborn rights of man, which in all its fivefold wrong has no other object than to compel fellow-men to work without wages; such a pretension, so tyrannical, so unjust, so mean, so barbarous, can find no place in any system of government, unless by virtue of positive sanction. It can spring from no doubtful phrases. It must be declared by unambiguous words, incapable of a double sense. At the adoption of the Constitution this rule, promulgated in the Court of King's Bench, by the voice of the most finished magistrate in English history, was as well known in our country as any principle of the common law; especially was it known to the eminent lawyers in the Convention; nor is it too much to say that the Constitution was framed with this rule on slavery as a guide. And the Supreme Court of the United States at a later day, in the case of the United States vs. Fisher, 2 Cranch. 390, by the voice of Chief Justice Marshall, promulgated this same rule, in words even stronger than those of Lord Mansfield, saying:

"Where rights are infringed, where fundamental principles are overthrown, where the general system of the laws is departed from, the legislative intention must be expressed with irresistible clearness, to induce a Court of Justice to suppose a design to effect such object."

It is well known, however, that these two declarations are little more than new forms for the ancient rules of the common law, as expressed by Fortescue: *Imprius et crudelis, judicandus, est Liberate non fœvet.* He is to be adjudged impious and cruel, who does not favor liberty; and, as expressed by Blackstone, "The law is always ready to catch at any thing in favor of liberty." But, as no prescription runs against the King, so no prescription is allowed to run against slavery, while all the early victories of freedom are set aside by the slave masters of to-day. The prohibition of slavery in the Missouri Territory, and all the precedents, legislative and judicial, for the exercise of this power, admitted from the beginning until now, have been overturned; but at last, bolder-grown slave masters do not hesitate to assail that principle of jurisprudence which makes slavery the creature of "positive law" alone, to be upheld only by words of "irresistible clearness."

The case of Somersett, in which this great rule was declared, has been impeached on this floor, as the Declaration of Independence has been impeached also. And here the Senator from Louisiana (Mr. Benjamin) has taken the lead. He has dwelt on the assertion that, in the history of English law there were earlier cases where a contrary principle was declared. But permit me to say that no such cases, even if they exist in authentic reports, can impair the influence of this well considered authority. The Senator knows well that an old and barbarous case is a poor answer to a principle which is brought into activity by the demands of an advancing civilization, and which, once recognized, can never be denied; that jurisprudence is not a dark lantern, shining in a narrow circle, and never changing, but a gladsome light, which, slowly emerging from original darkness, grows and spreads with human improvement, until at last it becomes as broad and general as the light of day. When the Senator in this age, leagueing all his forces, undertakes to drag down that immortal principle which made slavery impossible in England, as, thank God, it makes slavery impossible under the Constitution, he vainly tugs to drag down a luminary from the sky.

The enormity of the pretension that slavery is sanctioned by the Constitution becomes still more apparent when we read the Constitution in the light of great national acts and contemporaneous declarations. First comes the Declaration of Independence, the illuminated initial letter of our history, which, in familiar words, announce that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among them are life, liberty and the pursuit of happiness; that, to secure these, governments are instituted among men, deriving their just powers from the consent of the governed." Nor does this declaration, binding the conscience of all who enjoy the privileges it secured, stand alone. There is another national act less known, but in itself a key to the first, when, at the successful close of the Revolution, the Continental Congress, in a solemn address to the people, loftily announced: "Let it be remembered that it has ever been the pride and the boast of America that the rights for which she has contended were the rights of human nature. By the blessings of the Author of these rights, they have prevailed over all opposition, and form the basis of thirteen independent States." Now, whatever may be the privileges of States in their individual capacities, within their several

local jurisdictions, no power can be attributed to the nation, in the absence of positive unequivocal grant, inconsistent with these two national declarations. Here is the national heart, the national soul, the national will, the national voice, which must inspire our interpretation of the Constitution, and enter into and diffuse itself through all the national legislation. Such are the commanding authorities which constitute "life, liberty, and the pursuit of happiness," and in more general words, "the rights of human nature," without distinction of race, or recognition of the curse of Ham, as the basis of our national institutions. They need no additional support. But, in strict harmony with these, are the many utterances in the Convention which framed the Constitution of Gouverneur Morris, of Pennsylvania, who announced that "he would never concur in upholding domestic slavery—it was a nefarious institution;" of Eldridge Gerry, of Mussachusetts, who said, "that we had nothing to do with the conduct of the States as to slavery, but we ought to be careful not to give any sanction to it;" of Roger Sherman and Oliver Ellsworth, of Connecticut, and Mr. Gorham, of Massachusetts, who all concurred with Mr. Gerry; and especially of Mr. Madison, of Virginia, who, in mild, juridical phrase, "thought it was wrong to admit in the Constitution the idea that there could be property in man." And, lastly, as if to complete the elaborate work of freedom, and to give expression to all these utterances, the word "servitude," which had been allowed in the clause on the apportionment of representatives, was struck out, and the word "service" substituted instead.

This final exclusion from the Constitution of the idea of property in man was on the motion of Mr. Randolph, of Virginia; and the reason assigned for the substitution, according to Mr. Madison, in his authentic report of the debate, was that "the former was thought to express the condition of the slaves, and the latter the obligations of free persons." Thus, at every point, by great national decorations, by frank utterances in the Convention, and by a positive act in adjusting the text of the Constitution was the idea of property in a man unequivocally rejected. This pretension, which may be dismissed as utterly baseless, becomes absurd when it is considered to what result it necessarily conducts. If the barbarism of slavery, in all its five-fold wrong is really embodied in the Constitution, so as to be beyond the reach of prohibition, either Congressional or local, in the Territories, then, for the same reason, it must be beyond the reach of prohibition or abolition, even by local authority in the States themselves; and, just so long as the Constitution remains unchanged, Territories and States alike must be open to all its blasting influences. And yet this pretension, which, in its natural consequences, overturns State rights, is put forward by Senators who profess to be special guardians of State rights.

I disdane to dwell on that other argument, brought forward by Senators, who, denying the equality of man, speciously assert the equality of the States; and from this principle, true in many respects, jump to the conclusion that slave masters are entitled, in the name of equality, to take their slaves into the national territories under the solemn safeguards of the Constitution. But this argument comes back to the first pretension, that slaves are recognized as "property" in the Constitution. To that pretension, already amply exposed, we are always brought, nor can any sounding allegations of State equality avoid it. And yet this very argument betrays the inconsistency of its authors. If persons held to service in the slave States are "property" under the Constitution, then, under the provision—known as the "three-fifths" rule—which founds representation in the other House on such persons, there is a property representation from the slave States, with voice and vote, while there is no such property representation from the free States. With a glaring inequality, the representation of slave States is founded first, on "persons," and, secondly, on a large part of their pretended property, while the representation of the free States is founded simply on "persons," leaving all their boundless millions of property unrepresented. Thus, which ever way we approach it, the absurdity of this pretension becomes manifest. Assuming the pretension of property in man under the Constitution, you slap in the face the whole theory of State equality, for you disclose a gigantic inequality between the slave States and the free States; and assuming the equality of States in the House of Representatives as elsewhere, you slap in the face the whole pretension of property in man under the Constitution.

I disdain to dwell also on that other argument, which, in the name of popular sovereignty, undertakes to secure to the people in the Territories the wicked power—sometimes called, by confusion of terms, right—to enslave their fellow men; as if this pretension was not blasted at once by the Declaration of Independence, when it announced that "all Governments derive their just powers from the consent of the governed," and as if anywhere within the jurisdiction of the Constitution, which contains no sentence, phrase or word, sanctioning this outrage, and which carefully excludes the idea of property in man, while it surrounds all persons with the highest safeguards of a citizen, such pretensions could exist. Whatever it may be elsewhere, popular sovereignty within the sphere of the Constitution has its limitations. Claiming for all the largest liberty of a true civilization, it compresses all within the constraints of justice; nor does it allow any man to assert a right to do what he pleases, except when he pleases to do right. As well within the Territories attempt to make a king as attempt to make a slave. But this pretension,

"Where I behold a factious band agree
To call it freedom where themselves are free,"

proceeding originally from a vain effort to avoid the impending question between freedom and slavery—assuming a delusive phrase of freedom as a cloak for slavery—speaking with the voice of Jacob while its hands are the hands of Esau—may be dismissed with the other kindred pretensions for slavery, while the Senator from Illinois, (Mr. Douglas,) who has wandered so far in its support, may

——— "remember Milo's end,
Wedged in that timber which he strove to rend."

And here I close this branch of the argument, which I have treated less fully than the first, partly because strength and time fail me, but chiefly because the barbarism of slavery, when fully established, supercedes all other inquiry. But enough has been done on this head. At the risk of repetition, I now gather it together. The assumption that slave masters, under the Constitution, may take their slaves into the Territories and continue to hold them as in the States, stands on two pretensions—first, that man may hold property in

man, and secondly, that this property is recognized in the Constitution. But we have seen that the pretended property in man stands on no reason, while the two special arguments by which it has been asserted—first, an alleged inferiority of race, and secondly, the ancient curse of Ham—are most grossly insufficient to uphold such a pretension. And we have next seen that the pretension has as little support in the Constitution as in reason; that slavery is of such an offensive character, that it can find support only in "positive" sanction, and words of "irresistible clearness;" that this benign rule, questioned in the Senate, is inconsistent with the principles of an advanced civilization; that no such "positive" sanction in words of "irresistible clearness," can be found in the Constitution, which, in harmony with the Declaration of Independence, and the address of the Constitutional Congress, the cotemporaneous declarations in the Convention, and especially the act of the Convention in substituting "service" for "servitude," on the ground that the latter expressed "the condition of slaves," all attest that the pretension that man can hold property in man was carefully, scrupulously and completely excluded from the Constitution, so that it has no semblance of support in that sacred test; nor is this pretension, which is unsupported in the Constitution, helped by the two arguments, one in the name of the State Equality, and the other in the name of Popular Sovereignty, both of which are properly put aside.

Sir, the true principles, which, reversing the assumption of slave masters, makes freedom national and slavery sectional, while every just claim of the slave States is harmonised with the irresistible predominance of freedom under the Constitution, has been declared at Chicago. Not questioning the right of each State, whether South Carolina or Turkey, Virginia or Russia, to order and control its own domestic institutions according to its own judgment exclusively, the Convention there assembled has explicitly announced Freedom to be "the normal condition of all the territory of the United States," and has explicitly denied "the authority of a Congress, of a Territorsal Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States." Such is the triumphant response, by the aroused millions of the North, alike to the assumption of slave masters that the Constitution, of its own force, carries slavery into the Territories, and also to the device of politicians, that the people of the Territories, in the exercise of a dishonest Popular Sovereignty, may plant slavery there. This response is complete at all points, whether the Constitution acts upon the Territories before their organization, or only afterward; for, in the absence of a Territorial Government, there can be no "positive" law in words of "irresistible clearness" for slavery, as there can be no such law when a Territorial Government is organized under the Constitution. Thus the normal condition of the Territories is confirmed by the Constitution, which when extended over them, renders slavery impossible, while it writes upon the soil and engraves upon the rock everywhere the law of impartial freedom, without distinction of color or race.

Mr. President, this argument is now closed. Pardon me for the time I have occupied. It is long since I have made any such claim upon your attention. Pardon me, also, if I have said anything which I ought not to have said. I have spoken frankly, and from the heart; if severely, yet only with the severity of a sorrowful candor, calling things by their right names, and letting historic facts tell their unimpeachable story. I have spoken in the patriotic hope of contributing to the welfare of my country, and also in the assured conviction that what I have said will find a response in generous souls. I believe that I have said nothing which is not sustained by well founded argument or well founded testimony, nothing which can be controverted without a direct assault upon reason or upon truth. The two assumptions of slavemasters have been answered. But this is not enough. Let the answer become a legislative act by the admission of Kansas as a free State. Then will the barbarism of slavery be repelled, and the pretension of property in man be rebuked. Such an act, closing this long struggle by the assurance of peace to the Territory, if not of tranquility to the whole country, will be more grateful still as the herald of that better day near at hand, when freedom shall be installed everywhere under the national government; when the national flag, wherever it floats, on sea or land, within the national jurisdiction, will not cover a single slave, and when the Declaration of Independence, now reviled in the name of slavery, will once again be reverenced as the American Magna Charta of Human Rights. Nor is this all. Such an act will be the first stage in those triumphs by which the Republic—lifted in character so as to become an example to mankind—will enter at last upon its noble "prerogative of teaching the nations how to live." Thus, sir, speaking for freedom in Kansas, I have spoken for freedom every where, and for civilization; and, as the less is contained in the greater, so are all arts, all sciences, all economies, all refinements, all charities, all delights of life embodied in this cause. You may reject it, but it will be only for to day. The sacred animosity between freedom and slavery can end only with the triumph of freedom. This same question will be soon carried before that high tribunal, supreme over Senate and Court, where the judges will be counted by millions, and where the judgment rendered will be the solemn charge of an aroused people, instructing a new President, in the name of freedom, to see that civilization receives no detriment.

Mr. Chesnut, of South Carolina, (Dem.)—After the extraordinary, though characteristic speech, which has just been made in the hearing of the Senate, it is necessary that we should explain the reasons which we are here invited to assume. After ranging over Europe, sneaking through back doors, and fawning at the feet of British aristocracy, seeking for pity, but reaping the rich and just reward of contempt, the slanderer of States and men reappears in the Senate. We had hoped that we should be relieved from the miserable outpourings of his vulgar malice. We had hoped that from what he had felt, though ignominiously failed to meet, as the consequence of former insolence, he would become wiser, if not better, by experience. In this we have been disappointed; and we regret it. Sir, in the heroic ages of the world, men were often deified—but they were deified for the possession and exercise of some virtue, wisdom, justice, magnanimity, and courage. Yea, sir, in Egypt, they deified beasts and reptiles, but even that bestial people worshipped their idol on account of some supposed virtue. It has been left for this age, for this country, and for the Abolitionists of Massachusetts, to deify the incarnation of malice, mendacity and cowardice. Sir, we do not here intend to be guilty of any such hypothesis of mal-

ignity and meanness. We do not intend to contribute, by any conduct on our part, to swell the pæans at the shrine of this new idol. No, sir; and though with no expectation but the hope of improvement, we are not inclined by any punishment again to send the recipient of punishment hallooing through the world, yelping forth increased volumes of slander and malice, these are the reasons why we have remained quiet, and shall endeavor to remain quiet, under that which we have heard.

Mr. Sumner—Before this question passes away I think I ought to make some reply to the Senator from South Carolina. I exposed to-day the barbarism of slavery, and I believe that what the Senator has said I might well print in the appendix to my speech as an illustration. Adjourned.

THE REPUBLICAN PLATFORM.

Resolved, That we, the delegated representatives of the Republican electors of the United States, in Convention assembled, in the discharge of the duty we owe to our constituents and our country, unite in the following declarations:

1. That the history of the nation during the last four years fully establishes the propriety and necessity of the organization and perpetuation of the Republican party; and that the cause which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.

2 That the maintenance of the principles promulgated in the Declaration of Independence, and embodied in the Federal Constitution, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed"—is essential to the preservation of our Republican institutions, and that the Federal Constitution, the Rights of the State, and the Union of the States, must and shall be preserved.

3. That to the Union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home and its honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country, that no Republican member of Congress has uttered or countenanced the threats of disunion so often made by Democratic members, without rebuke and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendency, as denying the vital principles of a free Government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people sternly to rebuke and forever silence.

4. That the maintenance inviolate of the rights of the States, and especially the right of each State, to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under whatever pretext, as among the gravest of crimes.

5. That the present Democratic Administration has far exceeded our worst apprehensions in its measureless subserviency to the exactions of a sectional interest, as especially evinced in its desperate exertions to force the infamous Lecompton Constitution upon the protesting people of Kansas; in construing the personal relation between master and servant to involve an unqualified property in persons; in its attempted enforcement, everywhere, on land and sea, through the intervention of Congress and of the Federal Courts, of the extreme pretensions of a purely local interest; and in its general and unvarying abuse of the power intrusted to it by a confiding people.

6. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public treasury by favored partisans; while the recent startling developments of fraud and corruption at the Federal Metropolis, show that an entire change of administration is imperatively demanded.

7. That the new dogma, that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of freedom: That as our Republican fathers, when they abolished slavery in all our national territory, ordained that "No person should be deprived of life, liberty or property, without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States.

9. That we brand the recent re-opening of the

African trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes, by their Federal Governors, of the acts of the Legislatures of Kansas and Nebraska, prohibiting slavery in those Territories, we find a practical illustration of the boasted Democratic principles of non intervention and popular sovereignty, embodied in the Kansas-Nebraska bill, and a demonstration of the deception and fraud involved therein.

11. That Kansas should, of right, be immediately admitted as a State under the Constitution recently formed and adopted by her people, and accepted by the House of Representatives.

12. That, while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend that policy of national exchanges which secures to the working men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise, and to the nation commercial prosperity and independence.

13. That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free homestead policy which regards the settlers as paupers or suppliants for public bounty and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

14. That the National Republican party is opposed to any change in our naturalization laws, or any State legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad.

15. That appropriations by Congress for River and Harbor improvements of a national character, required for the accommodation and security of an existing commerce, are authorized by the Constitution, and justified by the obligation of Government to protect the lives and property of its citizens.

16. That a Railroad to the Pacific ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily Overland Mail should be promptly established.

17. Finally, having thus set forth our distinctive principles and views, we invite the co-operation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.

c.352

CALIFORNIA.

ADDRESS

OF

MR. LLOYD TEVIS,

(PRESIDENT OF WELLS, FARGO & COMPANY.)

BEFORE

THE AMERICAN BANKERS' ASSOCIATION,

AT NIAGARA FALLS, AUGUST 10, 1881.

PRESENTED WITH THE COMPLIMENTS

OF THE

CHICAGO AND NORTH-WESTERN RAILWAY.

THE SHORT LINK CONNECTING THE

"ATLANTIC WITH THE PACIFIC."

SPECIAL NOTICE.

To meet the growing demand of **Eastern and European** people, for correct and reliable information regarding the Pacific States, the **Agency of the Chicago and North-Western Railway at San Francisco** will publish from time to time "Pamphlets" giving statistics, correct data written by parties thoroughly posted, whose names as the Author of the present pamphlet, will be a guarantee of its reliability. Copies can be obtained from all Agents of the **Chicago and Northwestern Railway** everywhere:

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The General Agent for the Pacific Coast, **J. MEREDITH DAVIES, P. O. Address, 1887, Residence, Lick House or office at Overland Ticket office, Oakland Ferry,** will receive and appreciate any and all information regarding the Pacific Coast, he will gladly answer all inquiries from those intending an Eastern visit, and render such parties every assistance.

ADDRESS

OF

MR. LLOYD TEVIS

(PRESIDENT OF WELLS, FARGO & COMPANY),

BEFORE

THE AMERICAN BANKERS' ASSOCIATION,

AT NIAGARA FALLS, AUGUST 10, 1881.

THE AMERICAN BANKERS' ASSOCIATION,

President,
ALEXANDER MITCHELL, President Wisconsin Marine and Fire Insurance Company Bank, Milwaukee, Wisconsin.
Chairman Executive Council.
GEORGE S. COE, Pres't American Exchange Nat'l B'k, N. Y.
Treasurer.
GEORGE F. BAKER, President First National Bank, New York.
Secretary.
EDMUND D. RANDOLPH, Pres't Continental Nat'l Bank, N. Y.
Corresponding Secretary.
GEORGE MARSLAND, Editor, 247 Broadway, New York.

No. 247 Broadway,

Room No. 4.

New York, June 9th, 1881.

LLOYD TEVIS, Esq.,

President Wells, Fargo & Company,

San Francisco, Cal.

Dear Sir:

At the meeting to-day of the Executive Council of this Association, an invitation was unanimously extended to you to attend the Convention of this Association, on the 10th of August, at Niagara Falls, New York, and to deliver an address to the Convention upon the growth, past and prospective, of the industrial and banking system of California. We hope that it will be convenient to you to be present and to take part in the proceedings. Should your engagements prevent your being with us, we trust that you will favor us with the paper designated; and as to its length, the subject is so important that you will please use your own discretion. Please favor us with a reply at your early convenience.

I am, my Dear Sir,

Yours truly,

GEORGE MARSLAND,

Corresponding Secretary.

Address of Mr. Lloyd Tevis, President of Wells, Fargo & Company; before the American Bankers' Convention, at Niagara Falls, N. Y.—August 10, 1881.

Mr. President and Gentlemen of the Convention:

No one, I think, can look over the reports of this association without recognizing the value, both practical and theoretical, of many of the papers which they embody. I so fully realize our obligations to the gentlemen who have thus favored us, and am so fully conscious of the mutual advantages to be derived from bringing together, as into a common fund, such information as each in his sphere has been able to gain, that I am ready when called upon, as I think we all should be, to do what I may in the same direction. But the subject upon which I have been invited to address you—the growth, past and prospective of the industrial and banking system of California,—is a subject so large and so interesting to one who has long participated in the active business life of the Pacific Coast, that he may well despair in an address like this of being able to treat it as it deserves. I do not mean merely, that anything like a history of the industrial and financial growth of California would be a work requiring much time and labor. Such a history, of course hardly comes within the purview of this association. This is not an historical society, nor a statistical society. It is an association of bankers, whose annual meeting has assumed something of the character of a clearing house of experiences and opinions relating to the financial interests of the country. And so thoroughly and well have many of the papers read here presented the matters to which they have been devoted, that in attempting to treat a subject that has so many striking aspects as that assigned to me, one cannot but regret the difficulty of uniting completeness with brevity. The fact that the conditions of California have been in many respects different from those of

the rest of the country, and such as to sometimes bring important general principles into peculiarly clear light, makes the field of her experiences a very interesting one. But all I can hope to do in a paper like this is to supplement what has been so ably done at previous meetings by Mr. Gibson in rendering some account of the industrial and financial condition of California, and, perhaps, removing some misapprehensions current in other parts of the country.

In treating of the industrial and financial system of California, it is necessary to extend the view beyond the geographical limits of the State, for the circles of business do not coincide with political divisions, and that of California reaches far beyond the boundary lines of the State. California has been the base and starting point of American development upon the Pacific. Into Oregon and Washington and British Columbia and Alaska; into Nevada and Utah and Idaho and Montana; into Arizona and New Mexico and the northern states of old Mexico; over all that part of the continent lying west of the Rocky Mountains, California prospectors and miners, settlers and traders have carried the industrial outposts of that community which sprang into being with the California gold discoveries of 1849. San Francisco is not merely the metropolis of the State of California, it is also the metropolis of the greater part of this vast region. How far extends the commercial and financial system which centers in San Francisco, the operations of the express and banking company with which I am connected give an idea. Wells, Fargo & Company is peculiarly a California institution. Beginning its operations in the early days of American settlement by affording the needed facilities of safe transportation between San Francisco and the mining camps of the western slope of the Sierra Nevada, it became the forwarder, the letter carrier, and to a large degree the banker, of an extending population. As the prospectors and pioneers advanced, it followed them, until its agencies, now numbering over seven hundred, form a net work which stretches from the Mexican boundary line to that of British Columbia, and from the Pacific to the Rocky Mountains, with outposts upon the Missouri river and the Gulf of Mexico. Wherever the organization of Wells, Fargo & Company reaches, the commercial and financial influences of San Francisco extend, though since the business attractions of the Eastern cities have, with the extension

of railroads, begun to make themselves felt in the further west, it is impossible to describe as accurately as before the bounds of the California system.

In California itself, and especially in San Francisco, we have had, in fact are yet suffering from, an era of depression, which followed an era of great prosperity. This season of depression commenced somewhat later and has continued somewhat longer than that which so long weighed upon the energies of the rest of the country; and it is now passing away, very much as that passed away. It might seem from this difference in time that the depression in California was due to something like a great wave of depression which passed slowly over the country in its world-wide movement. But whatever be the effects of that increasing sympathy which, with increasing facilities of communication, links together the commercial fortunes of even the most widely separated communities, there are peculiar local causes to which the depression in California is in great measure to be referred. And while these causes may fall into the same general category, they differ in some respects from those to which the great depression that overspread the eastern part of the country are attributed. California has always eschewed paper money, banks of issue being prohibited by her Constitution from the beginning, and even when the National currency was adopted and made legal tender by Federal law, the feeling against paper money of any kind was strong enough to maintain the gold standard all through the war and through the era of inflation which followed it. California, consequently, did not feel the seeming prosperity attendant upon the great rise in nominal values which took place in the East as the currency depreciated, and she also escaped the inevitable reaction which came with the appreciation of the currency and the fall of prices.

Yet it is a most instructive fact, that in spite of her adherence to the coin standard; in spite of her exemption from those terrible fluctuations in the medium of account and exchange that unsettle all values and derange all business, California has not been exempt from the alternation of seasons of depression with seasons of prosperity. I do not think this shows that it makes no difference whether a currency is sound or unsound; I do not think this gives any comfort to the advocates of fiat money, or invalidates what has

been so strongly and aptly said in previous meetings of this association as to the dangers and losses inseparable from an inconvertible currency. Yet it does show that all is not secured when a good currency is secured; and that even with the best and safest currency seasons of unreasonable inflation may occur, which are sure to find their sequence in seasons of depression.

This is a lesson which at the present time may have especial value. The long, hard effort for the resumption of specie payments has at last been crowned with success, and with the exception of the Pacific States, which never deviated from a coin standard, the country enjoys a better currency than ever before—a currency which if not yet entirely purged of all dangerous elements, is still convertible into gold, and is in domestic exchanges generally preferred to gold. And with the restoration of the currency to a specie standard, has come a revival of activity in all branches of business. Yet, if there were nothing else to teach us, the experience of California would show, that even with a good currency, a season of great prosperity, if suffered to beget speculation, may produce an inflation which, when the inevitable collapse comes, is sure to be succeeded by a season of depression. And it may also show how reckless political agitation, to which in times of depression our people are prone to listen, may make more difficult the process of recovery.

However this may be, the causes which in California have led to the alternation of depression with prosperity may be traced with comparative ease.

In the life of a community, as in the life of the individual, one era passes into another by such insensible gradations that it is impossible to sharply draw the line between them. Yet speaking roughly, the first or pioneer industrial era in California, during which placer mining was the principal industry, and gold almost the only export, may be said to have extended up to about 1860, when agriculture began to assume a leading place, and the discoveries which led to the great development of silver mining were made.

The panic of 1857 was not felt in California, yet in 1858, the Frazer River excitement, which led thousands to abandon their claims or business, and waste time and money in what was for most

of them a fruitless expedition into British Columbia, produced in California something like the results of the panic in the East. But the wave of fortune seekers, which had for the time left some localities almost depopulated, returned again, industry resumed its normal course, and with 1861 or 1862 commenced an era of marked prosperity.

For despite the fact that the surface placers, which could be worked with the most primitive appliances, and had constituted the first attraction of California, yielded less and less, a more elaborate system of mining, calling in the aid of large amounts of capital, kept up in great measure the gold yield; the growth of agriculture began to show itself in a constantly increasing surplus for export; various branches of manufacture which had gradually taken root began to assume considerable importance; and the development of the silver mines of Nevada stimulated all industry with a fresh stream of bullion; while the pushing eastward of the Central Pacific Railroad, largely by means of capital drawn from abroad by the sale of bonds, gave additional vigor to industrial and commercial life.

As there were no large government expenditures in California during the war, the greater part of the Federal revenues being drawn to the other side for disbursement, the heavy taxation which the war necessitated fell with peculiar severity upon California, as did the increase in freights and marine insurance caused by the depredations of the rebel cruisers, since all her commerce with the Atlantic States, had, under the navigation laws, to be conducted in American vessels. Yet, while the activity in business caused by the great government demands and the superabundance of currency forced into all the arteries of trade, did not affect the Pacific Coast, the healthful development of great natural resources, aided by the energy infused into railroad building, produced an activity which, if it did not rival that shown in the East during "the flush times," had a far more solid basis, and was not liable to be brought to a close when government expenditures were curtailed, and speculation was no longer fed by an increasing volume of paper money.

There happened in California, however, what seems always to happen among people of active temperament in times of continued prosperity, and in the tendency to which is doubtless to

found the primary cause of those fluctuations in business activity to which all countries seem liable. Expectation outran reality, and speculation growing by what it fed on, began to discount the future at rates based on rose-colored imaginings, rather than on sober calculation.

The establishment of new industries, the opening of new mines, the building of new railroads, the growth of population, and increase of wealth—in short, all the things in which material progress consists, tell immediately and powerfully upon the value of land, and in a rapidly developing community, the quick increase of land values which takes place is sure to beget speculation, which carries up nominal values far faster than real values increase.

In some respects, the inflation of values thus produced is worse than inflation of other kinds. It not only creates fictitious wealth, which promotes extravagance and turns the minds of men from those pursuits that add to the wealth of the community while they increase that of the individual, but it discourages settlement and improvement, and does not so readily come to an end by sudden collapse, since, even when land becomes unsaleable at the speculative prices at which it has been bought or quoted, its owners generally hold on as long as possible in hopes that its market value will come up again.

It was not merely the steady and legitimate increase in land values due to the development of the country, that gave an impetus to land speculation in California; but the great expectations, which as the trans-continental road drew towards completion, arose in the popular mind as to the stream of immigration which would pour over it. In nearly all sections, real estate values felt the speculative tendency. Around San Francisco, land was surveyed into building lots, and sold or quoted at high prices, which will hardly be needed for urban purposes when the city begins to count her population by millions, and large tracts of available, but as yet unused, agricultural land were taken up and held in the same way.

But the great expectations based upon the completion of the railroad were not realized. Even after the junction of the Union Pacific and the Central Pacific had linked San Francisco with New York by a continuous line of rails, the journey from the Atlantic to the Pacific still remained a long and costly one; there were yet

great areas of fertile land on the eastern side of the Rocky Mountains, over which the tide of immigration, setting from the East, would naturally spread before pushing on across the sterile tracts of the interior basin, and the policy of the roads which constituted the eastern links in the transcontinental chain, and upon which the Central Pacific was dependent for the fixing of through rates, was naturally directed to the settling up of the lands tributary to their own way business before offering any facilities to a more western flow of the tide of immigration. Under these circumstances, the avidity with which speculation had seized upon the lands in California that would be first sought by the settler, and the high prices at which they were held, left so little inducement to immigrants, that comparatively few came through, and the hopes built upon the great influx expected, came, for the time, to naught; and in fact have not yet begun to be realized.

At the same time the completion of the railroad brought San Francisco merchants, in markets in which they before had undisputed control, face to face with the competition of the larger capital, the lower interest, the more active solicitation and rivalry of the great Eastern cities, and to some degree changed the course of trade. Further than this, the increasing diversion of freight from the long and tedious route around Cape Horn to the railroad route across the continent did not prove of unmixed advantage. A very large proportion of California imports, consisting of manufactured goods, can bear a high rate of freight, and naturally seek the quick railroad route; but the wheat of California, which constitutes such a large item in our exports, and for which Great Britain is the great customer, will not bear the cost of railroad transportation across the continent by routes as yet completed, and thence across the ocean in steamers. Thus the diversion of the import trade to the railroad has caused a scarcity of outward tonnage, and freights have ruled at prices high enough to attract to San Francisco ships in ballast—prices which of course lowered the net return to California farmers for their crops. Yet, while the completion of the railroad, instead of bringing at once the rapid growth that was expected, brought rather a time of transition, during which the accommodation of business to new relations and new channels has been going on, the remarkable development of the

Comstock mines, which in twenty years yielded no less than three hundred millions of dollars, poured a flood of wealth into California, and maintained such a degree of prosperous activity, as in a large measure to obscure popular appreciation of the fact that the golden days were over, and that increased energy and greater econony were needed to maintain the commercial position of California and insure continuous progress.

It is not to be wondered at, that when the great bonanza began to show signs of exhaustion, and the production of the Comstock dropped nearly thirty-three millions in three years, the cry of "hard times" went up. But to realize fully all that this diminution in production involved, and to get the key to occurrences which have attracted attention further than they have been understood, and have seriously injured the repute of California, it is necessary to take into account the extent and effects of the speculation which crazed all classes of society in California with a gambling mania that has probably had no parallel since the time of the Mississippi Scheme and South Sea Bubble.

Mining for the precious metals is necessarily a business involving uncertainties. These uncertainties are of the nature of the business, and, as in a lottery, it is the blanks that make the prize. If rich deposits of gold and silver could be readily and certainly found and worked continuously, these metals would lose their value. But the uncertainties which attend the search for the precious metals do not prevent the business from being a legitimate one. They merely create a peculiar need for care, forethought, knowledge and prudent energy, which gives to these qualities large rewards. Pursued judiciously, mining for the precious metals should, upon the average, return as good and sure a profit upon the capital invested as any other form of production, and there is no better and safer property than gold and silver mines, carefully selected and prudently worked.

Nor is speculation in mines, any more than speculation in other things, to be in itself condemned. It is not necessary to say to an assemblage like this, that it is a mistake to regard all speculation as evil. Without speculation there could be little industrial or social progress. Divest any community entirely of that spirit that seizes opportunities and is ready to risk where it

may gain, and the energy that presses forward in new and greater enterprises would be gone. Nor would such a community be able to provide for the contingencies involved in the varying character of the seasons, the alternations in trade, and the vicissitudes to which all things human are liable. For the speculator is often the economizer and provider, as he is the inventor and path-finder. He, for instance, who, in time of plenty anticipates a time of scarcity, and buys breadstuffs for an advance, it was once the fashion to call a forestaller and monopolizer. But he is really doing for society what Pharaoh, forewarned by a dream, did for the people of Egypt, when during the seven prosperous years he stored up the surplus of abundant crops against the famine years that were to follow. Whatever enhancement of price, the operations of such a speculator may in the first place cause, will to the community at large be amply compensated for by the subsequent effect in keeping prices down. By causing economy he prevents distress; and whatever profit his forethought may bring him, is but a small part of the gain which that forethought secures to the community.

But speculation which is legitimate and useful passes easily into speculation which is illegitimate and harmful. It is not easy to draw the line at which the transition takes place; it is quite impossible to fix it by statute or commercial regulation; yet there is a distinction that should be recognized, and especially by bankers, who are the conservators of the financial system. And while even legitimate speculation may become so reckless as to be injurious, there is a species of speculation sure to have that character. It is, if I may coin a phrase, speculation on speculation—that is to say, speculation in which the venture is not based upon production or the conditions of production, but upon the disposition of people to speculate. Speculation of this kind is gambling pure and simple. It has no useful purpose or redeeming feature; but is the most insidious and demoralizing form of gambling, as it is apt to extend among classes who would revolt from the grosser forms of gambling.

It is speculation of this kind, to which all times of continued prosperity offer great temptations, that has produced such ill results in California. The richness of the Comstock deposits, the sudden wealth they brought to many, would have affected the imagination of even the most staid and conservative of peoples, and

their effect upon a population drawn from the most active and enterprising of all countries, and among whom the traditions of the golden days, when fortunes were easily won and lost, were yet strong, hardly needs to be described. At first the silver mines were subdivided into feet, (each location, under the mining regulations, being allowed so many feet along the ledge), but incorporated companies, with nominal capital divided into shares, were soon found to give greater facilities for sales and assessments, and before long the stock boards established in San Francisco for operating in these shares began to do a business which, considering the population and capital of the respective communities, threw that of the New York stock board into the shade. Of course the intrinsic value or real prospects of a mine soon became of secondary consideration, compared with popular expectation, as shown by the fluctuations of the stock market and mining speculation passed into speculation upon speculative tendencies—the real thing taken into account being the prospects of the rise and fall of stock prices, rather than the prospects of yield. Thus the locating, opening and operating of mines went on to a large extent with reference merely to the stock board, the purchasers and holders of shares caring little for the prospects and management of the mine, but looking rather for their gain to the rapid fluctuations of the stock. The shareholder, who bought merely for the purpose of quickly selling again, might know that an assessment was levied for useless, or even for fraudulent purposes, but so long as he thought the speculative mania might enable him to sell his stock, he would pay it without hesitation.

The hopeless locations made, the useless work performed, the wasteful management engendered, constituted but a part of the loss, which though it might be hidden for awhile by the inflation of nominal values, must at length be felt. The spirit of gambling spread through the whole fabric of society. Bankers, merchants, lawyers, doctors, clergymen, manufacturers, farmers, mechanics—even day-laborers and domestic servants, risked means large or small upon the fluctuations of the stock market, and watched its quotations with feverish anxiety. That waste of time and resources, that strain upon energy and morals, which is involved in the grosser forms of gambling took place upon a grand scale, and the

dissemination through the community of so much fictitious wealth, which its holders regarded as real, fostered everywhere the greatest extravagance.

The shrinkage of nominal values which followed the culmination of speculation and the decline in the production of the Comstock,* was the pricking of a bubble that brought the realization of poverty to thousands who had indulged in a fancied possession of wealth, and the tragedy which attended the closing of the doors of one of our prominent banks, was but a striking instance of the wide-spread disaster and ruin that accompanied the steady decline of stock values.

Yet nothing better shows the stable character of the business and financial system of California, than the fact that greater disorganization was not produced, and the natural depression would doubtless have passed away without attracting much attention from abroad, but for circumstances which unfortunately gave political expression to the feelings of discontent which the reaction from a season of wild speculation is sure to engender. Men who awake from dreams of wealth to the realities of poverty, are apt to blame anything or anybody, rather than their own disregard of prudent counsels, and when a large proportion of the whole community find themselves aggrieved in this way, the time is a happy one for the demagogue.

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* The following figures give an idea of the shrinkage in stock values, though it must be remembered, that many minor stocks which their owners fondly believed to have considerable value, and in which there were many private transactions, never figured on the Board lists. Highest prices were reached in January, 1875, although the production of the Comstock did not attain its maximum until 1877. The protracted character of the depreciation, marked as it has been by temporary pauses and revivals of speculative hopes, has made the strain all the harder:

Aggregate value of mining stocks on S. F. Board, January, 1875	$282,305,404
Aggregate value of mining stocks on S. F. Board, July, 1881	17,902,700
Shrinkage	$264,402,704
Highest value Con. Virginia, Jan., 1875	$ 75,600,000
Value Con. Virginia, July, 1881	945,000
Shrinkage	$ 74,655,000
Highest value California, Jan., 1875	$ 84,240,000
Value of California, July, 1881	351,000
Shrinkage	$ 83,889,000
Highest value Sierra Nevada, Sept., 1878	$ 27,000,000
Value of Sierra Nevada, July, 1881	825,000
Shrinkage	$ 26,175,000

The demagogue was not absent in California. But the loud and reckless agitation, which, under the name of the Kearny or Workingman's movement, gave to California such an unenviable notoriety, was not due to individuals, so much as it was the expression of the angry and unreasoning feeling which the reaction from wild speculation always begets; and this example of how the discontent produced by a want of financial prudence may find expression in ill-advised political action, which may again re-act upon industrial prosperity, furnishes a lesson which may be of value elsewhere than in California.

Under ordinary circumstances, the discontent produced by speculative losses would have passed away without serious result, but it so happened, that about this time a Convention to frame a new Constitution had been called, to which the prevailing chagrin and recklessness brought a good deal of ignorance and demagogy. The instrument framed and submitted to the people while these influences were temporarily in the ascendant, bore unmistakable evidence of unreasonable enmity towards corporations, and of the crude notion that capital will escape its obligations unless it be watched and fettered at every turn. It is not, however, just to say, that the new Constitution of California, even when most literally interpreted, has in it anything really agrarian or communistic. It is clumsy and ill-digested, and exhibits in many respects an attempt to legislate upon impossible things and in impracticable ways; but its worst features—those which at the time excited most apprehension—do not show anything like a coherent scheme of communism or socialism, so much as a blind striking at acknowledged evils, and such popular delusions, unfortunately not confined to California, as that equality of taxation is only to be secured by taxing everything. Interpreted literally, it would have imposed taxation not only upon all the forms, but upon all the shadows and representatives of capital, and this, together with other crude, and harsh, and foolish provisions, excited the alarm and antagonism of all conservative elements.

But the prejudices thus expressed, aided by the feeling against the Chinese, which becomes intensified in times of depression, and to conciliate which some clauses, of no practical effect under the Federal Constitution, had been incorporated in the

instrument; and aided, above all, by the reckless and vindictive feeling born of losing speculation, carried the new Constitution, in spite of all efforts.

Bad as many of the provisions of the new Constitution were, if literally interpreted, their possible effects were much exaggerated in the opposition to the instrument during the canvass, and its adoption produced in California a feeling of insecurity, and elsewhere an impression that an irretrievable disaster had overtaken the State. Men of means hesitated to invest in new enterprises, and improvements were abandoned or deferred; large amounts of capital were transferred to the East or withdrawn by absent owners, and not only was the natural revival of business delayed, but the depression was intensified.

With this practical evidence that the interests of the community cannot be subserved by striking at the interests of any class, public opinion, however, began to return to a normal state, the demagogues quickly found their occupation gone, and the better sense of the people of California slowly yet surely asserted itself. The happiest results have followed. The Legislature has taken a sensible view of its duty under the Constitution, and the conservative interpretations of the Courts have stripped of obnoxious meaning those features which most excited antagonism and alarm. Double taxation has been scrupulously avoided, and is now, under the decision of the Courts, impossible, and the fiscal system of California is substantially that which before existed. While it may not be up to the ideal standard which will secure the needed revenue with the minimum of cost and annoyance, it is certainly in no respect more objectionable than that of New York or Massachusetts.

In many features the Constitution of California is eminently conservative. It not only contains a number of minor provisions of anything but communistic character, such as the requiring of a property qualification for the holding of certain positions, the practical disfranchisement to a considerable extent of the floating vote, etc., but now that obnoxious meanings have been interpreted away, it guards the interests of property from the interference of hostility or ignorance with much more security than the Constitution that preceded it. The legislative power—that in which any-

thing like communism would most readily manifest itself—has been very much curtailed. Nothing but general laws can be passed, and the power of interfering with the rates of transportation has been entirely taken from the Legislature and lodged in the hands of a Commission, which experience has proved, is much more subject to conservative influences.

Further than all this, sudden changes in obedience to gusts of popular caprice or passion are made practically impossible by the provision which requires a vote of two-thirds of all the members elected to both branches of the Legislature before any proposition for amendment to the Constitution or the calling of a Constitutional Convention can be submitted to the people—a vote which it is impossible that any proposal not supported by the conservative interests of the State can ever command.

Embodying such safeguards and with the reasonable interpretations which the Courts have put upon all its questionable provisions, the new Constitution of California gives every guarantee for the security of property, and whatever timidity prevailed among California capitalists has entirely passed away. And much as the agitation that preceded, and the uncertainty that followed the adoption of the new Constitution, may have cost the State, it is now apparent that a lesson of commensurate value has been learned. Experience, if a severe, is a most effective teacher. Large numbers of our people realize as they never realized before, that to unduly burden capital is to injure the poorer classes of society even more than the richer, and that to hamper enterprise and threaten the security of property are the most certain means of paralyzing industry, and depriving labor of employment. The discussion that has gone on has led to a better understanding of economic principles, and any proposition involving that species of double taxation of certain forms of capital which so many of our States have tried to impose, would now, I think, be voted down in California, even were there any way of getting it before the people; while the proposition that capital and improvements should in the general interests be entirely exempt from taxation, which has been urged in some quarters with a good deal of force, seems to be steadily making way.

Another difficulty which has been productive of much irritation is now in a fair way of being removed. That the Chinese have been of use in the industrial development of the Pacific Coast is unquestionable, but it is as unquestionable that the antipathies excited by their presence and the fears of their overwhelming influx have been the cause of much social discontent and political agitation. The treaty with China, recently ratified, gives to our Government the power of restricting or prohibiting the immigration of Chinese laborers without interfering with a proper national hospitality towards Chinese students or travelers or merchants, and the enactment of laws in consonance with this treaty, which will doubtless take place at the next session of Congress, will remove a cause of dangerous agitation, and solve a question which though it has attracted comparatively little attention in the Eastern States of the Union, has been to thoughtful men on the Pacific Coast a source of grave anxiety.

I have spoken with candor of the past; but a pleasanter duty awaits me in speaking of the future. That California, and the whole Pacific Coast, is now passing into an era of the greatest prosperity and most rapid development, there are evidences on every hand.

During all this time of comparative depression, business has been adjusting itself to the new order of things consequent upon closer communication with the rest of the world; agriculture has been extending; manufactures taking root; a greater economy being learned, and a broader and more stable base prepared for the growth of the future—the transition, in fact, taking place from an industrial and social system largely characterized by the speculative and restless tendencies of the early days, to an industrial and social system partaking more of the character of those stable occupations which if they yield few sudden prizes are more certain in their results.

Though San Francisco has not recently been growing with the rapid strides to which her people had become accustomed—and in fact, during the few years previous to 1880 her population actually lessened—yet the agricultural districts have been steadily filling up. The number of people engaged in watching stock-indicators, and in supplying the demands of extravagant habits by buying and selling fictitious values, has greatly diminished,

but the number of people engaged in those industries which are productive of actual wealth has proportionately increased, and between producers and exchangers a better equilibrium has been established. All this year there has been a gradual but steady improvement in the business of San Francisco—just such an improvement as in the Eastern cities indicated the passing away of the depression from which they had so long suffered, and the approach of that era of prosperous activity now in full course. There is no better index of the business of the Pacific Coast than the transactions of Wells, Fargo & Company, and never before have these been larger. The condition of our banks was never stronger; there is an abundance of capital, and the rate of interest has fallen to an approximation to the Eastern standard; there is a readiness to invest in permanent improvements, and the demand for labor is active and healthy.

The product of the precious metals in the United States reached its highest point in 1877, when the mines of Nevada alone yielded $51,580,290—within a few hundred thousand dollars of the total product of all the states and territories in 1870, Since that time there has been a progressive decline in Nevada, where the product sunk to $15,031,621 last year; but a large increase in Colorado and in Arizona. Utah has fallen off slighly, but Dakota more than makes up the deficiency, while the production of California remains at about the same figure, which it has now maintained for some years. As Wells, Fargo & Company handle nearly all the bullion produced on the Pacific Coast, their records, supplemented by careful and systematic inquiries, give a very close estimate of the total production. The following table taken from the annual statements of Wells, Fargo & Company, will show the aggregate product of the states and territories west of the Missouri river, including British Columbia, and receipts in San Francisco from the west coast of Mexico, for the last eleven years:

STATEMENT OF THE AMOUNT OF PRECIOUS METALS PRODUCED IN THE STATES AND TERRITORIES WEST OF THE MISSOURI RIVER, INCLUDING BRITISH COLUMBIA, AND RECEIPTS IN SAN FRANCISCO FROM THE WEST COAST OF MEXICO, DURING YEARS 1870 TO 1880,

YEAR.	Products as per W. F. & Co's Statements, including Amounts from British Columbia and West Coast of Mexico.	Product after deducting Amounts from British Columbia and West Coast of Mexico.
1870	$54,000,000	$52,150,000
1871	58,284,000	55,784,000
1872	62,236,959	60,351,824
1873	72,258,693	70,139,860
1874	74,401,045	71,965,610
1875	80,889,057	76,703,433
1876	90,875,173	87,219,859
1877	98,421,754	95,811,582
1878	81,154,622	78,276,167
1879	75,349,501	72,688,888
1880	80,167,936	77,232,512

The foregoing statement includes the lead and copper which result from the smelting of the base bullion ore of Nevada, Utah and Colorado. This lead amounted in 1880 to 7 $\frac{16}{100}$ per cent. of the whole product, having a value of $5,742,390, and the copper to 1 $\frac{12}{100}$ per cent. valued at $898,000.

The fluctuations in the product of the various states and territories since 1877, the year of the largest production, may be seen from the following table, also made up from the annual reports of Wells, Fargo & Company.

PRODUCTS OF THE PRECIOUS METALS IN THE STATES AND TERRITORIES WEST OF THE MISSOURI RIVER, WITH RECEIPTS FROM THE WEST COAST OF MEXICO FROM 1877 TO 1880.

States and Territories.	1877.	1878.	1879.	1880.
California	$18,174,716	$18,920,461	$18,190,973	$18,276,166
Nevada	51,580,290	35,181,949	21,997,714	15,031,621
Oregon	1,191,997	1,213,724	1,037,961	1,059,641
Washington	92,226	73,311	85,336	105,164
Idaho	1,832,495	1,868,122	2,091,300	1,894,747
Montana	2,644,912	3,763,640	3,629,020	3,822,379
Utah	8,113,755	6,046,613	5,468,879	6,450,953
Colorado	7,913,549	6,232,747	14,413,515	21,284,989
New Mexico	379,010	453,813	622,800	711,300
Arizona	2,388,622	2,287,983	1,942,403	4,123,081
Dakota	1,500,000	2,215,804	3,208,987	4,472,471
Mexico	1,432,992	1,594,995	1,683,871	2,090,557
British Columbia	1,177,190	1,283,460	976,742	844,867
	$98,421,754	$81,154,622	$75,349,501	$80,167,936

The decline in the product of Nevada, which amounts to $36,548,679 as compared with 1877, is mainly due to the decreased product of the Comstock, which in 1880 yielded but $5,312,592 as against $37,911,710 in 1877, a falling off of $32,509,118, but some of the other districts have also declined, as for instance the Eureka which yielded $4,649,025 in 1880 as against $5,840,261 in 1879.

The tendency of gold mining to assume a stable character is shown by the steadiness which the product of California has maintained from year to year. The extremely rich deposits in which Nature has concentrated her treasures are hard to discover and liable to give out. But the great improvements which have taken place in mining machinery and methods, now enable the working with profit of low grade ores, of which there are regular and enormous deposits. How mining of this kind is developing, is shown by the fact that the foundries of San Francisco, during the past year, have turned out machinery for over a thousand stamps. Nor is the effect of this cheapening of production confined to California alone, though owing to the abundance of low grade ores on the western slope of the Sierra, it may prove of more importance to her than to any other of the gold-producing States. The great increase in the bullion product of Dakota, noticeable in the previous table, is due to the working of ore which a few years ago would have been considered unprofitable.

Whether any such bonanzas as those of California and Consolidated Virginia yet remain in the Comstock, is a question which can only be determined by further exploration. But, even should no such bonanzas be found, the deposits of low grade ore which have heretofore been passed by, will, under careful management, and with cheaper methods, yield steady and large returns—returns which if less likely to stimulate speculation, are more likely to add to solid wealth.

The injunctions which have this year suspended the operations of some of the principal hydraulic mines of California, may lessen by some millions the gold harvest; but the movement to restrain the hydraulic miners from washing their tailings into the valleys, where they fill up the beds of the streams and destroy agricultural

land, is in itself an evidence of a growing conservatism of feeling —of the increasing disposition to look upon California as a country in which permanent homes are to be made. If the hydraulic miners still go on washing down the hills, they will, at least, be compelled to minimize the destructive effect by damming up the tailings. The streams of California will in a little while flow clear again as they did when the gold seekers first sought their banks, and the product of farm and orchard, and vineyard, will more than make up for any diminution in the gold obtained by washing away the soil.

It is already evident, that in the agricultural capabilities of her soil lie the possibilities of California's greatest wealth. California is to-day not a mining, but an agricultural State. Her wheat crop last year, after supplying all home demands, including that of distilling, gave a surplus for export of no less than 1,400,000 tons—a surplus worth even at the low rates that prevailed on account of the scarcity of tonnage, $37,500,000, or more than twice the whole bullion product of the State. Or to put it in another way, the wheat crop of California for 1880, was worth more than half as much as the bullion product of the whole United States.*

But, great as are the possibilities of grain-growing in California, it is now becoming apparent that the most valuable of her industries in the future will be that of the vineyard and orchard. California is by nature the France of America; yet, in spite of the natural adaptation of her soil and climate to the culture of the grape, wine-making in California has had many difficulties to contend with, arising partly from want of experience as to soils, varieties, modes of culture and manufacture; partly from the necessity of developing the proper organization and machinery, and partly from the time required to gain a reputation and secure an assured market. It is only within the last few years that all these difficulties, inseparable from the naturalization of a new

* To be within safe limits, this valuation is based on the lowest estimate of surplus, and the lowest price. Since the scarcity of tonnage it is probable, that still lower prices would have been realized had more of the surplus been forced into the export market. But the weight of opinion puts the surplus for the last crop year at 1,450,000 tons, some estimates going even higher, which, at the average price actually obtained, would be worth over $40,000,000, or putting the total wheat crop at 1,800,000 tons, a value of over $50,000,000 for the whole product, which is doubtless a moderate estimate.

industry, may be said to have been definitely overcome. But they have been overcome. The grape-growers of California can now sell their grapes as certainly as the farmer can sell his wheat, and at far more remunerative prices. There is an apparently limitless demand for the purpose of supplying you, gentlemen of the Eastern States, with what you deem to be foreign wines, while some California wines are already beginning to make a reputation which it does not pay to disguise under a foreign label. California is now sending to the Atlantic coast more wine than is imported from France, and it is estimated that the wine crop of last year yielded to the growers nearly $3,500,000. The curing and packing of raisins has only recently commenced, but it is already an assured industry.

What is true of the product of the vine is also true of the product of the orchard. For the finer qualities of fruit, such as will bear long railroad transportation, or are preferred by the canners, there has been developed a market which it seems impossible to glut. In San Francisco, in Alameda and San Jose, are fruit-canning establishments which, during the busy season, employ over a thousand hands apiece, and all over the State, wherever there is an important fruit-district, this industry is rapidly developing. Orchards of the finer varieties of peaches, plums, pears, nectarines, etc., are being set out in all parts of the State, and in the southern section the culture of semi-tropical fruit is attaining large dimensions. Considerable quantities of fresh fruit, carefully selected and packed, are forwarded by express to the Eastern cities, even at the high rates of freight now ruling, and with cheaper railroad communication, or a means of preserving fruit so as to enable it to stand the slower carriage of the regular freight trains (which, it is now said, has been discovered), this business must enormously increase.

With the growth of these stable and profitable industries there is also going on a vigorous growth of manufactures. San Francisco is becoming an important manufacturing point, already producing manufactured goods to an aggregate value of over $72,000,000 per annum, and a beginning has, during the past year been made towards utilizing the large deposits of fine iron ore which are to be found in the State, the smelting works recently opened at

Clipper Gap, a short distance from Sacramento, on the line of the Central Pacific Railroad, sending already to the San Francisco founderies a quality of iron ore equal to the very best Swedish iron imported.*

Thus while the great falling off in the production of the Nevada silver mines, and the reaction from the inflation of the mining stock mania, brought about a depression which has not yet entirely passed away, the less showy but more stable branches of industry have been steadily developing the permanent resources of the country, until now a solid starting point has been gained for another period of great activity and rapid growth.

The industrial and financial history of California, is illustrated in the banking business, the condition of which shows the gratifying character of the changes that have gone on, and the solidity of the basis now attained. In the early days of California, banking was altogether in the hands of individuals or firms, who were subject to no legal supervision, and of whose responsibility little was known. The currency was gold dust and coin—at first principally the former. The miner and country dealer sold their gold dust to the banker, who shipped it to the East, to cover bills sold to the importer. The profits on this business were good—there was a margin on the gold and the rate of exchange was high. But in the loaning of money the risks were so great that even at 5, and sometimes 10 per cent. per month, accumulations were comparatively small. The choice of securities was limited, and the value of property uncertain. Sweeping floods, and desolating fires, due to the temporary character of building, sudden changes of population owing to the working out of old placers or the discovery of fresh ones, and fluctuations in stocks

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*The value of the product of California in some leading articles (season of 1880) may be thus stated :

Gold, silver, etc	$18,000,000
Wheat	50,000,000
Barley	6,000,000
Vineyard crop	3,500,000
Lumber, Ties, etc	5,000,000
Horses, etc	3,000,000
Cattle, Sheep and Hogs (Butchers' Meats)	12,000,000
Butter and Cheese	3,500,000
Wool	10,150,000
Quicksilver	1,750,000
Hops	650,000
Canned fruits and vegetables	2,000,000
Canned and Salt Fish	1,000,000
Artic whale fishing	1,000,000

of goods drawn from distant markets, with which communication could only be had at intervals, gave even to the ordinary branches of trade a speculative character, and introduced a large element of risk into all calculations. The merchant whose responsibility was undoubted to-day might be bankrupt to-morrow. With the development of our material interests, however, all this has changed. We have now substantial edifices in place of the light structures of former times. Values of all kinds are more stable, and our organizations for the protection of property are as complete and efficient as those in any part of the world. The telegraph and railroad and the growth of local industries have insured to trade regularity of supply and steadiness of price. The production of silver has been added to that of gold, and ample facilities exist for the conversion of both into coin, which is still our circulating medium.* In short, the steady growth of all stable interests has removed the difficulties which beset business in the earlier times; the accumulation of wealth has been very great, and the credit of our State, and of our bankers and merchants, is in the very front rank. The healthy development of material resources and the expansion of our commerce in all direction has given a wider range of securities and a broader basis for banking operations. Situated upon the highway to the Orient, the great bullion market of the world, the advantages of San Francisco as a financial center have attracted some of the most conservative and substantial foreign institutions, which in establishing branches have largely supplemented local capital. Banking with us still retains slight local peculiarities due to habits to which our business community have become accustomed, and are loath to give up, such as the making of commercial credits in the form of overdrafts rather than of discounts; but in stability, in the efficiency of their aid to business, in intelligence and conservatism of management our banks have no superiors. With few exceptions they are joint stock associations, incorporated under State or Federal laws, and subject to the inspection of a Board of Commissioners, whose

* The coinage of the San Francisco Mint for the fiscal year ending June 30th, 1881, amounted to $39,960,000. Since its establishment in 1854, this Mint has coined $646,538,300, of which $563,153,900 was gold and $83,384,400 silver.

reports are regularly published. The subjoined tabular statement is the latest of these official reports:

BANK COMMISSIONERS' STATEMENT OF THE CONDITION OF CALIFORNIA BANKS, JULY, 1881.

RESOURCES.	18 Savings Banks.	56 Commercial Bk's	Totals of 74 Banks
Bank Premiums	$685,954.11	$1,523,626.28	$2,209,580.39
Real Estate taken for debt	5,298,000.04	1,981,253.70	7,279,253.74
U. S. & other stocks and bonds	(a) 9,472,287.51	(b)6,842,326.92	(c)16,314,614.43
Loans on Real Estate	33,845,436.79	7,522,883.60	41,368,320.39
Loans on Stocks and Bonds	1,578,277.18	3,248,765.12	4,827,042.30
Loans on other Securities (grain, etc.)	592,967.91	7,435,542.69	8,028,510.60
Loans on personal Security	407,749.91	14,307,932.33	14,715,682.24
Money on hand	1,979,190.68	9,286,819.47	11,266,010.15
Due from banks and bankers	1,226,550.29	7,819,388.22	9,045,938.51
Other assets	925,708.90	6,898,766.84	7,824,475.74
Total Resources	$56,012,123.32	$66,876,305.17	$122,879,428.49
LIABILITIES.			
Capital paid-up	3,704,507.17	(d)20,451,683.52	(d)24,156,190.69
Surplus and reserve fund	1,945,561.30	9,141,185.93	11,086,747.23
Due Depositors	49,954,332.79	32,819,392.96	82,773,725.75
Other liabilities	407,722.06	4,455,042.76	4,862,764.82
	$56,012,123.32	$66,867,305.17	$122,879,428.49

(a) Of this U. S. Bonds $8,627,312.57. (b) U. S. Bonds $6,247.020.23. (c) U. S. Bonds (cost) $14,874,332.80. (d) of this $6,352.708.59 is the amount due head offices in London, by foreign banks at San Francisco.

That the whole western portion of this continent is destined shortly to assume an importance in the industrial and commercial world which a few years ago would have been deemed incredible, may now be clearly seen. There is in all the past no parallel to the rapid development now going on west of the Mississippi. Railroads are being built in every direction, and with the railroad is everywhere going settlement and improvement. Farms are being taken up; mines, not alone of the precious metals, but of the finest qualities of iron and coal, are being opened; towns built; and vast plains that but a short time ago were the range of the Indian and the buffalo, are being filled with stock. The strong tide of immigration already reaches the base of the Rocky Mountains, and very soon its currents must pass on to the Pacific.

Four more great roads are now pushing forward to connections between ocean and ocean—the Southern Pacific, the Atlantic

and Pacific, the Northern Pacific and the Canadian Pacific. Of these, the one which will be soonest completed, and is of the greatest importance to California, is the Southern Pacific, which by its junction with the Atchinson, Topeka and Santa Fé, has already opened a second line of communication between San Francisco and the East, and which, having secured some links by purchase, has now less than four hundred miles of rail to lay to finish its own continuous line to Galveston and New Orleans.

The importance of this road to the development of California, arises not merely from the fact that it brings a vast and rich country into commercial relations with San Francisco, and opens a route from tide-water to tide-water a thousand miles shorter than the present route, but from the fact that it is an extension of the California system, and from ocean to ocean will be owned and managed by a California Company. It is in some quarters the fashion to rail against railroad consolidation, and to point to the great "captains of industry" who in the natural development of the railroad system have come into the direction of this business, as examples of a concentration of wealth and power so vast as to threaten the perpetuity of our institutions. In part these fears may spring from honest, though, I am inclined to think, mistaken views, but in greater part they are simply appeals to jealousy. We have not been exempt from this in California—in truth we have probably heard even more than the people of the Eastern States, of the injuries and dangers of an over-shadowing railroad monopoly, and the fact that our entire railroad system with the exception of some short local roads, is owned and controlled by a few associates, who twenty years ago were far from being the richest men in the State, is often alluded to in other parts of the country as a striking instance of the dangerous concentration of wealth. It is true that the men who at the time when a Pacific Railroad was still looked upon as a wild dream, had the enterprise to risk their reputations and means in the effort to carry an iron highway over the Sierra have reaped a splendid reward, and as the fruits of their faith and business talent, now own and operate a still extending system which already embraces nearly 4,000 miles of line. But despite all the jealousy that their acquisitions may have excited, there is no doubt that it has been on the whole

good for California that railroad management has been thus concentrated. Railroad development has unquestionably been more regular, and thorough, and healthy, and the economy in building and running much greater than it would have been had the California railroad system been in the hands of a dozen different companies, each working independently, and often at cross purposes, and each maintaining a separate staff and wasting means in opposition and rivalry which the public at large must ultimately make up. Of the enormous sums thus saved by a single intelligent and harmonious management, the portion taken by these men for their own personal purposes amounts to an insignificant percentage. And after all that is said of their collossal wealth, it still remains true that they have used this wealth but as trustees for the whole community. The profits of the roads have not merely been larger than they would have been under diverse managements, but these profits, and the credit that has been acquired, have been used in building more road. If the people of California have had any reason to complain of high freights and fares, they cannot complain that the taxation to which they were thus subjected has been used for personal purposes. On the contrary, all the revenues and resources of the California railroad managers have been directed to such extensions of the system as would ultimately secure the lowest possible freights and fares, and be of the largest benefit to the whole community.

The first Pacific road, although it accomplished the great desideratum of bringing California into railroad communication with the States east of the Missouri river, did not, as I have previously said, fulfill all the expectations, and supply all the needs of California. The long distance from ocean to ocean, the steep grades, the terrific battle which every winter must be waged with snow, make it too expensive a route for the great mass of immigrants, and for the transportation of all but the most valuable classes of freight. And, furthermore, the fact that the California road was but the western link in the chain, placed its managers in absolute dependence upon other companies as to any policy they might wish to adopt for the encouragement of immigration or the development of California industries. The men whose enterprise and energy were equal to the feat, at that time unparallelled, of

scaling the Sierra, and carrying the California end of the road to a junction with the Union Pacific at Ogden, saw these disadvantages even before they were popularly realized; and quietly but steadily they have bent their efforts to the enterprise of uniting ocean to ocean by a line of steel rails, under but one management, which should not only be much shorter, but should avoid both the steep grades and the deep snows that render the more central line so expensive. This enterprise, which in the forethought that has prompted it, the grand results to which it looks, and the quiet energy with which it has been pushed forward, stands foremost in the achievements of railroad building, is now almost completed, and before twelve months have passed, trains of the Southern Pacific Railroad of California will run over their own track from San Francisco to Galveston and New Orleans.

The fresh stimulus which the completion of this road must give to the development of California and the whole Pacific Coast, the new life which it must infuse into business, is at once apparent. With a line of steamers at the eastern terminus of the road, such as the Railroad Company now run to Japan and China from the western terminus, a through route under one management is secured from the Orient to Europe, and commerce which now takes the way of the Suez Canal, or the circuitous route around the Cape of Good Hope, must find its path through San Francisco Bay. It will become possible to land in San Francisco immigrants from Southampton or Liverpool or Havre or Bremen, at rates which it now costs them to reach Denver or St. Paul, and to the wheat and other bulky articles that constitute the true staples of California, a new route will be opened, which relieves the growers from the disadvantages now imposed upon them by the changes in the course of trade and the scarcity of tonnage. To move to its markets the surplus crops of California, freights have to be offered sufficient to attract ships from distances of eight and ten thousand miles, and even with these high freights, no less than 700,000 tons of last year's crop was left over in growers' hands and warehouse.* But this is not all. The long voyage around the tempestuous Horn makes it impossible to ship in bulk, and all

* Freights paid to sailing vessels for Atlantic Ocean ports amounted last year to $10,680,000, and the aggregate this year will probably be larger.

the grain of California has to be sacked and handled. The opening of the Southern Pacific Railroad as an outlet for the crops of California, will make the use of the elevator system possible, will relieve the farmer of the cost of sacks and handling, and will moreover lead to a better cleaning and classification, from the neglect of which the reputation and price of California wheat have of late years seriously suffered.

The prospect of the opening of this great through road has already stimulated the pushing westward of other roads, and one after another these new avenues are about to open up the Pacific Coast to enterprise and population. From each great trunk line lateral branches are building or are projected, and in a few years all important districts, whether mining or agricultural, will enjoy the benefits of railroad communication with the rest of the world. And within the same short space of a few years, Mexico is, by the railroad enterprises already begun or assured, destined to the most wonderful transformation. With all her rich resources she will take her place as one of the most important provinces in that great commercial empire, whose westernmost center is on San Francisco Bay.

In, short, the future of the industrial and financial interests of California, and of the whole Pacific Coast, never seemed more bright, and the era of prosperity and rapid growth upon which we are about entering, must make itself felt in the increased prosperity of the whole country.

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Grand Lodge, F. & A. M.

of California

ADDRESSES

OF

DANA R. WELLER

GRAND MASTER

AND

ALBERT G. BURNETT

GRAND ORATOR

October, 1911

ADDRESS

—OF—

DANA R. WELLER

GRAND MASTER

Brethren of the Grand Lodge:

The experience of ages has convinced mankind that it is essential to the successful accomplishment of any important undertaking, frequently to inspect its progress and the designs prepared for its consummation, in order to ascertain if the completed portion of the task approached the ideals of the prospective plans, and to make any changes and alterations, the necessity for which become obvious by a careful examination. Thus the mistakes of the past are corrected and avoided, all useless and superfluous matter eliminated, and the result conforms more closely to the aspirations of the designers.

So we have congregated to-day to contemplate the work of Masonry in this Grand Jurisdiction during the past year, and to endeavor to discover the errors which have been committed, and to formulate our plans for improvements in the future. By this means we may transform failure from a source of humiliation and disgrace into a signal light to guide us past the rocks of ignorance and darkness into the safe harbor of knowledge and light.

Instead of indulging in vain regrets over the fact that our efforts have not always been crowned with success, we should be inspired by the hope that we and succeeding generations may profit by what we have learned, and that truth, eternal, shall eventually triumph and reign forever over the destiny of man.

"Nor deem the irrevocable past
As wholly wasted, wholly vain,
If rising on its wreck at last
To something nobler we attain."

The present generation has witnessed the most marvelous advancement in the material knowledge of man that the world has ever known. Science has subjugated and made subservient that potent and unknown force which is the basic principle of so many of the inventions that have excited the wonder and admiration of the observers. And all this has been accomplished in utter ignorance of what it is or why it exists—only its laws have been discovered and put to practical use. Masonry possesses a subtle power and influence which it exerts in the same mysterious way over those who study its laws and practice its precepts. Its origin and the reason for its existence, while interesting, are less important than its practical application to the lives and characters of its novitiates.

As the power and efficiency of electricity can be communicated only through certain agencies, so the potency of Masonry can be properly applied to certain characters. Many good men have passed through the ceremony of initiation without benefit to themselves, and many bad men have been made better through its lessons of truth and morality. This fact makes extremely difficult the task of determining the question as to the qualifications which a candidate should possess in order to constitute him good material for membership in the Lodge, and in consequence many mistakes have been made, and will continue. The problem confronts us, then, of eliminating this undesirable element from the organization, and this is the most serious of our difficulties. There is a tendency among the officers and members of Lodges to avoid the trouble and scandal of trial and expulsion, and consequently the useless and superfluous material, the non-conductors of Masonry, remain to mar the beauty and retard the progress of our institution. It is a duty which each Lodge owes to the fraternity in general to rid itself of the vicious and immoral element, which it has unwittingly admitted, in order that our standard may be maintained and our funds preserved for the relief of the worthy in distress.

While the mantle of charity may be used to cloak an occasional lapse, a continued and persistent course of misconduct should be discountenanced and severely punished.

Thus only can we "preserve unsullied the reputation of the fraternity and remove every aspersion against our venerable institution."

NECROLOGY.

The grim reaper has invaded our field and garnered several sheaves ripe with experience and knowledge for the final harvest.

Past Grand Master Wiley James Tinnin died at his home in Fresno on the 24th day of November, 1910, at the age of eighty-one years. He served as Grand Master of California in 1885, and was one of the pioneers of this State, having come here in 1850. It was truly said of him that "he comprehended life deeply, studying its meaning with a guileless heart. Realizing the limitations of human knowledge, nevertheless he made a part of himself the fundamental truths of eternal character.

" His creed was simple. Not many days before his demise he quietly quoted it in the words of another:

" 'Alone, and without my volition, I came into the world. Alone I must go out of it. And alone I must appear before the judgment seat of Almighty God.' His creed was not of words but of life."

EDMUND CLÉMENT ATKINSON

passed away at his home in Sacramento on the 20th day of March, 1911, at the age of 73 years. He was Grand Master of California in 1886, following Brother Tinnin in the Grand Oriental chair. A constant attendant upon the communications of the Grand Lodge, by reason of his years and experience and deep study, he was a tower of strength in its deliberations, and his advice and counsel for the benefit of the craft demonstrated his sincere and unselfish devotion to the principles he expounded. He will live among us always in the spirit of his lovable character and the lasting benefit of his works.

Thus star by star declines,
Till all are passed away,
And morning high and higher shines
To pure and perfect day.

These few words so inadequately express the sentiments we feel upon the loss of these two great men, that we have set apart an hour to be devoted to memorial services, and have requested Worshipful Brother George E. Church of Fresno, and Most Worshipful Brother Edward G. Hart, to formulate suitable expressions of love and sympathy on this occasion.

FOREIGN.

We mourn with sister jurisdictions the loss of the following, and extend to them our sincere sympathy in their bereavement:

Allen, William Clark, Past Grand Master South Dakota; born November 15, 1845; died November 9, 1910.

Barron, Jacob Thomas, Past Grand Master of South Carolina; born May 20, 1854; died September 16, 1910. He had been Grand Secretary of that jurisdiction since 1906.

Blair, Henry Harrison, Past Grand Master of South Dakota; born February 15, 1838; died February 27, 1911.

Butcher, William Fountain, Past Grand Master of Oregon; born December 12, 1858; died November 17, 1910.

Bunch, Thomas Standford, Deputy Grand Master of Arizona; born June 22, 1852; died June 14, 1911.

Coleman, Chiles C., Past Grand Master of Kansas; born December 29, 1854; died March 4, 1911.

Coutant, Charles K., Past Grand Master of Nebraska; born February 2, 1835; died August 23, 1910.

Clements, David Watherup, Past Grand Master of Iowa; born July 9, 1846; died November 16, 1910.

Eaton, Willard Lee, Past Grand Master of Iowa; born October 13, 1848; died June 7, 1911.

Foote, Lucien A., Past Grand Master of Indiana; born December 16, 1824; died November 30, 1910.

Files, Frederick H., Past Grand Master of South Dakota; born December 1, 1862; died March 1, 1911.

Gillett, Simeon P., Past Grand Master of Indiana; born November 2, 1840; died November 26, 1910.

Goodspeed, Joseph McKendree, Past Grand Master of Ohio; born June 20, 1834; died June 11, 1911.

Giffin, Nathan Clark, Past Grand Master of Wisconsin; born October 10, 1833; died May 10, 1911.

Holliday, Jethro Tabor, Past Grand Master of Wyoming; born December 29, 1844; died September 20, 1910.

Hodson, John Milton, Past Grand Master of Oregon; born August 25, 1839; died October 9, 1910.

Hopewell, Melville R., Past Grand Master of Nebraska; born March 27, 1845; died May 2, 1911.

Isaac, William M., Grand Secretary of Maryland; born March 12, 1834; died January 4, 1911.

Jordan, Harrison, Past Deputy Grand Master of Montana; born March 17, 1825; died October 2, 1910.

Larrabee, Henry Clay, Past Deputy Grand Master of Maryland; born September 4, 1829; died July 29, 1911.

Leyden, Isaac P., Past Grand Master of Indiana; born July 1, 1843; died October 11, 1910.

Noteware, Chauncey N., Grand Secretary of Nevada; born January 13, 1825; died October 22, 1910. Brother Noteware was a member of our Diamond Lodge No. 29, and later withdrew to assist in the organization of Acacia Lodge No. 92 at Coloma.

Nash, Charles Whippo, Past Grand Master of Minnesota; born December 5, 1829; died August 18, 1910.

Postlethwaite, John Calvin, Past Grand Master of Kansas; born August 22, 1848; died November 26, 1910.

Rogers, Benjamin, Sr., Past Grand Master of Prince Edward Island; born September 1, 1836; died January 21, 1911.

Speed, Frederic, Past Grand Master and Grand Secretary of Mississippi; born September 22, 1841; died March 10, 1911.

Smith, John Robert, Past Grand Master of Tennessee; born May 5, 1857; died July 30, 1910.

Smith, John Corson, Past Grand Master of Illinois; born February 13, 1832; died December 31, 1910. Brother Smith was perhaps the most extensive traveler and best known Mason in the world.

Williams, D. Dudley, Past Grand Master of Alabama; born January 11, 1851; died March 12, 1911.

Wilson, William B., Past Grand Master of Michigan; born October 2, 1829; died January 24, 1911.

Waldron, Frederick Hemingway, Past Grand Master of Connecticut; born March 14, 1840; died November 20, 1910.

HOMES.

Having implicit confidence in the ability and integrity of the Trustees of the Homes, I have deemed it the wiser course to allow them to pursue their own policy without interference, and the present condition warrants the assertion that the confidence was well founded. Several visits to each Home have shown conditions of absolute harmony and contentment among the residents, and an examination of their report will show that they have faithfully discharged their trust.

From a state of scepticism caused by reports based upon inadequate information as to the efficacy and economy of Masonic Homes, I have been converted to the firm belief that we have properly solved the problem of the care of our unfortunate brethren, with justice to them and to ourselves.

BOARDS OF RELIEF.

The Reports of the Boards of Relief reveal the fact that the practice of unostentatious charity continues, and the necessity and reason for their existence thereby demonstrated. No practical illustration of the universality of Masonry could be more apparent than the statements in the reports of the various boards showing the diversity of territory

from which come many of the recipients of relief. This labor of love has been most admirably performed, and reflects honor and glory upon the workers and upon our fraternity.

The employment bureau at Los Angeles has proven a lasting success, and has been the means of securing work for many who might otherwise have become a charge, and who are able and willing to help themselves if given the opportunity.

SPECIAL COMMUNICATIONS.

On the 17th day of October, 1910, the Grand Lodge was convened at Beckwith and dedicated the Masonic Temple there for Hope Lodge No. 234.

The Brethren of this Lodge are to be commended for their loyalty and perseverance in the face of difficulty, for this is the third temple they have been forced to erect, by reason of fire.

October 29, 1910, the splendid temple of San Mateo Lodge No. 226 was dedicated according to ancient usage, R.·. W.·. William P. Filmer, Senior Grand Warden, officiating.

On the 19th day of October, 1910, the Grand Lodge was specially convened for the purpose of laying the corner stone of a handsome Temple for the fraternity at Fresno. We congratulate these brethren upon their progressive spirit. May they long live to enjoy the fruits of their labors.

The Grand Lodge was convened on the 10th day of December, 1910, and laid the corner stone of the new courthouse at Bakersfield, the third time this service has been performed for Kern County by the fraternity.

Friday, December 16, 1910, the corner stone of a new high school at Long Beach was placed in accordance with our ceremonies.

Grand Lodge was specially convened at Los Angeles on Saturday, December 17th, 1910, and the corner stones of the State exposition building and of the county art building were laid according to our custom.

On January 21, 1911, the Grand Lodge assembled at the Decoto Home, and with solemn ceremony dedicated the new hospital building donated by our R.·. W.·. Brother Edward Coleman. This magnificent gift so appropriately expresses the love and sympathy of Bro. Coleman for his fellow man, and he is so modest and unassuming in his character that we shall not attempt at this time to give utterance to our feelings of gratitude and affection for him, but we assure him of our hearty appreciation of both the gift and the donor, and wish him a long life to contemplate his glorious work and to enjoy the happiness which results from the consciousness of a duty well performed.

On May 30, 1911, the Grand Lodge assembled at Yuba City and dedicated the new Masonic Temple erected by the brethren of Enterprise Lodge No. 70 for their accommodation. This structure is a credit to the enterprise of its builders, and speaks well for the interest manifested in the fraternity by the members of this Lodge.

On June 2, 1911, the Grand Lodge was convened by R.·. W.·. Bro. William P. Filmer, Senior Grand Warden at Fresno, for the purpose of dedicating the new temple at that place.

Grand Lodge convened at Santa Cruz on July 1, 1911, and laid the corner stone of the new postoffice.

On August 11, 1911, the Temple erected by Brooklyn Lodge No. 225 was dedicated to the use of the fraternity. Much credit is due to the members for the beauty of this structure and the peace and harmony which prevails among them.

The Grand Lodge assembled at Willows on August 12, 1911, for the purpose of laying the corner stone of the new temple for Laurel Lodge No. 245. The plans give promise of a handsome and substantial structure, and we congratulate the brethren upon their good taste.

September 12, 1911, Grand Lodge was convened by R.·. W.·. William P. Filmer, Senior Grand Warden, and the temple at Janesville for Janesville Lodge No. 232 was dedicated. We compliment this Lodge upon the completion of this building under adverse conditions, and wish them much pleasure in its enjoyment.

VISITATIONS.

The vast expanse of territory and the limited time to be devoted has made it impossible to visit as many Lodges as I wished, particularly after the royal reception accorded wherever it was possible to go. A spirit of harmony and a desire to further the interests of the fraternity exists throughout the jurisdiction, and indicates a thriving condition and a great influence for good in the community. There is a marked improvement in the ritualistic work, due to the energy of the inspectors, which adds much to the impressiveness of the ceremonies, and a consequently better influence upon the candidates.

Keep the good work up, brother inspectors, and you may yet hope for letter-perfect work impressively rendered.

On June 24, 1911, we enjoyed the lavish hospitality of the brethren of the San Francisco Lodges, who joined in a celebration of the anniversary of St. John the Baptist, and entertained a large body of guests in a royal manner. This was an event in the history of San Francisco Masonry which will be long remembered by all who participated, and its frequent repetition will be of immeasurable benefit to the Craft in this city.

SPECIAL DISPENSATIONS.

The Grand Secretary's report shows the number and purposes of special dispensations which have been issued. Following the example of my predecessors, no dispensations to re-ballot have been granted without a thorough examination of the reasons, and a showing that justice would be done by such action.

A dispensation for Lodges to appear in a public demonstration was refused, on the ground that it was not for a Masonic ceremony, and was contrary to the decisions of our Grand Lodge.

DECISIONS.

Many questions have been asked to which answers might have been ascertained by a careful examination of the constitution or decisions, and to these no further reference will be made.

A matter upon which so many seem to be ignorant requires some attention. Several Lodges have requested approval of amendments which are contained in the uniform code of by-laws.

I decided that it is not necessary for a Lodge to adopt these provisions, as by the action of the Grand Lodge in adopting they thereby become the by-laws of the subordinate Lodges, and should be copied into the book of by-laws and observed.

Another matter I deemed of too much importance to render a decision upon, and which I submit to your consideration, is as follows:

A Lodge in Los Angeles rejected a petitioner for the degrees in May, 1910. About seven months thereafter he applied to another Lodge, stating that he had been so rejected, and was incorrectly informed that as more than six months has elapsed, the first Lodge had lost jurisdiction. He signed the petition without reading it. After reference to a committee and a ballot, he was elected to receive the degrees, and after being passed it was discovered that one year must elapse after rejection before his petition could be received. On this being reported I advised the officers to deny him advancement at least until the year had expired; and the time is now up, and the question is how to proceed further. I am of the opinion that inasmuch as he was illegally elected he was not lawfully initiated or passed, but as it is impossible to take away from him what he has received, that he should be held to be a Fellowcraft. But when this condition was discovered, he could not be legally raised. The Lodge last receiving his petition was in error, and should bear whatever burden may be attached. I recommend that the latter Lodge be required to tender to the former the amount of fees received by it for the first two degrees, and that the candidate have returned to him the fee for the third, and advancement denied him, with the privilege of again applying for the third degree, with the usual reference and ballot. This to be a disposition of the particular case in question, and not as an expression of the law.

PIERCE LIBRARY.

We are under lasting obligations to the daughters of our late Grand Master, W. Frank Pierce, for their gift to us of his Masonic library. This voluntary offering on their part indicates that the spirit of this whole-souled, generous man has been translated unto them, and that the effect of association with him has produced in them, as it has in all with whom he came in contact, an unselfish disposition and a desire to be of benefit to humanity.

These volumes will form the nucleus of a library for our new temple when completed, and we trust their example will prove the inspiration of many to display such substantial interest in the advancement of the knowledge of our ancient Craft.

RECOMMENDATIONS.

JURISDICTION OF LODGES.

Considerable trouble has arisen over the question of the geographical jurisdiction of Lodges, and the adoption of some different plan is requisite to prevent a recurrence of some of the difficulties occasioned by the annexation of territory to cities, and the changing methods of travel. The air line method of determining jurisdiction was proper before the trolley car and other means of rapid conveyance, but now something else seems essential.

The Grand Lodge should establish the territory of Lodges not having concurrent jurisdiction, reserving the power of changing to meet conditions, and the Grand Master, in issuing dispensations, should be authorized to designate the boundaries of the territory of any new Lodge formed.

ROSTER.

The Grand Secretary recommends the adoption of a card system similar to that in use in New York, in order that the cumbersome and practically useless roster may be abolished. This will save a great deal of expense and trouble, and facilitate obtaining information as to the standing and Masonic history of our members.

PETITIONS FOR DEGREES.

The form of the petition for degrees should be revised so that the candidate shall be required to answer certain indispensable questions, and show that he has in fact read the statement which he has signed, in order that it may be determined afterward whether he understood the effect of his action; and the proof would be at hand in case it should be claimed that any misrepresentation was made by him, and his guilt or ignorance conclusively established by his own signature.

In this connection it would seem the better policy to require the committee of investigation to report the facts they discover in regard to a man's qualification, rather than the mere conclusion formed by them. The favorable or unfavorable report gives only the opinion of one member, and encourages laxity in investigation, while a statement of facts or information obtained shows the care used by the members of the committee making the report, and gives to the Lodge a clearer basis for its action.

CONCLUSION.

And now, my brethren, that I am about to yield the power which you have vested in me, to one more worthy of that trust, I thank you for the high honor you have conferred, and to crave your kindly indulgence in all cases where errors in judgment have been committed. I take this occasion to assure you that all of the knowledge or power I possess is at the disposal of this Grand Body and subject to its call at all times.

DANA REID WELLER,
Grand Master.

ADDRESS

— OF —

ALBERT G. BURNETT

GRAND ORATOR

Any man might well hesitate to deliver an address upon an occasion like this. The nature of the theme that must engage our attention, the high character and attainments of those who listen, and the expectations that have been aroused by the rhetorical efforts at past Convocations are rather discouraging to pretentious ambition, and they operate to increase any speaker's distrust of his ability to say anything worthy of the time and of the audience. How often have you been instructed, entertained and charmed by the learning and eloquence of the most gifted men of the State. Their utterances have undoubtedly sunk deep into your minds, and, like good seed sown in good ground, have produced an abundant harvest of inspiring thoughts and noble deeds.

I know not whether I shall be able to add anything to your mental equipment or to assist you in garnering more of the real substantial fruits of Masonic teaching, but may I not hope at least to convince you of my conviction that this venerable Institution is one of the greatest instrumentalities in the world for the moral regeneration of mankind; that we cannot love it with an affection too ardent, nor can we too generously devote our time and attention to the practice and promulgation of its principles.

We naturally ask: What is it about Masonry that challenges our admiration, excites our interest and justifies the labor and sacrifices that we furnish in its behalf? Do we not devote to its convocations and the duties imposed by its laws and ritual much time that we can illy spare from our business? Do we not deny ourselves a portion at least of the joys of home life in order that the work of the Lodge-room may not be neglected?

Do we not contribute freely of money that we sometimes need for other purposes, that the boundaries of the order may be extended, that its power in the land may be increased and its influence enlarged and multiplied? Do we not spend hours of anxious thought and remain awake at night, concerned lest through our indifference or inattention we hinder the mighty work in which the Craft are engaged?

What is it that prompts this keen interest? Why should we be so deeply concerned in the development and growth of the Order? For our conduct and attitude can we justify ourselves in the forum of enlightened conscience?

Do we revere Masonry, pay homage at its shrine, and profess adherence and devotion to its tenets because of its antiquity, because it has come down to us from the dim and mysterious past? This feature, my brethren, cannot be ignored; it is not to be minimized. It appeals strongly to the imagination and awakens the interest of every one who is not entirely engrossed with self. The fact that this institution has survived, for hundreds of years, the mutations of human affairs, that it has withstood the assaults of a thousand tempests of factional strife, that it has successfully resisted the persistent attacks of perfidious foes within and misguided and fanatical foes without, that the mighty conflicts of men and of nations for self aggrandizement, the wars of conquest and devastation, the revolutions in government and the storm and stress in the social and the political world, which history reveals, have not disturbed the foundations of our "ancient and honorable institution" is a circumstance of tremendous moment and a persuasive argument in favor of the validity of its claims upon the attention and admiration of mankind.

I need not remind you, however, that this alone is not sufficient to justify the esteem in which we hold this institution.

Do we glory in our membership because of the number and character of those who have allied themselves to the Order? We are associated, indeed, with a vast company of men, growing more numerous every year. Counting those on this and on the other shore, they are almost as numerous as the sands of the sea. In numbers there are majesty and strength and influence and we have a right to be proud of our connection with such a mighty host. But infinitely of more importance is the high quality of the men who have been and are identified with this organization.

Confining ourselves to the history of our own country, it is the language of truth and soberness to declare that its most brilliant pages have been the result of the genius, patriotism, courage and industry of members of the Order. Our brethren, indeed, have been in the very vanguard of progress in every department of human activity. They have acquired and maintained leadership in peace as well as in war.

What a splendid galaxy of inventors, of artists, of poets, of historians, of orators, of statesmen, and of warriors, could be summoned from our rolls since the days of the Revolution! What a tremendous task it would be to discover and to name the great leaders in our history, beginning with Washington, who have enlisted under our banners and who have considered themselves blessed of Providence because they were permitted to be members of our Order!

But of equal or of more importance are the thousands "to fortune and to fame unknown" who may not be considered great by those who

are dazzled by the artificial standards of the world, but who, in the quiet walks of life, have been animated by a high purpose, have gone on faithfully discharging their duties to their fellow-men, developing those traits of character that ally us to the Infinite and becoming living epistles of the utility and beauty of Masonic principles.

Again, my brethren, if we could comprehend the great field of benevolence and philanthropy that has felt the kindly touch of our ministration, if we could have indelibly impressed upon our minds a faithful picture of the distress that has been relieved, of the burdens of sorrow and despair that have been removed, of the misfortunes of crime and of poverty that have been alleviated, of the wayward steps of weak and sinful men that have been turned to paths of peace and righteousness, of the new song of hope that has been put into the hearts of the discouraged and the despondent and of the courage and inspiration that have been implanted in the lives of thousands of the "weary and heavy laden"—all through the influence and efforts of Masons working in the spirit of Masonry and under the guidance of its principles, we would have no occasion to inquire further whether our Order is worth while and whether it merits sincere affection and unqualified support.

Men and institutions are and ever will be judged by their works. "By their fruits you shall know them." As an Order we are willing to submit to that test. Blot out the contribution of Masonry to the cause of civilization and of humanity and the world would be poor indeed. Take away from our lives the influence of its principles and we would be fit associates for barbarians and savages.

This last statement, after all, gives us the suggestion of the source of the wonderful power of this institution in the world and of the justification for our zeal in its behalf. The fountains of idealism that give character to all our teachings have their origin in the highest and noblest conception of moral truth. They are replenished by the living waters that flow from the eternal throne of God. These principles represent the crystallized product of the best thought of the best men of the ages. The wisdom and experience of the centuries have demonstrated the infallibilty of these moral sentiments as a guide to success and to happiness. No one, indeed, can achieve success worthy of the name, no one can experience enduring happiness without at least an earnest effort to bring his life under the domination of these divine principles.

Changing somewhat the figure of speech and paraphrasing the language of Philips Brooks, may it not be said: That we are fed here with counsel when we are in doubt, with inspiration when we sometimes falter, with caution when we would be rash, with calm, clear, trustful cheerfulness through many an hour when our hearts are dark. The hungry souls of men all over the country are fed with sympathy and consolation. There is spread before us an abundant feast of great duty and devotion on which we may all grow strong. We are fed with solemn, solid truths. We learn the sacredness of government and the wickedness of treason. Our souls become glad and

vigorous with the love of liberty. We learn to love truth and yet be charitable—to hate wrong and oppression and yet not treasure one personal injury or insult. We acquire a reverent and genuine religion. We are taught the love and fear of God in the shape in which we need them most. We may indeed become men worthy of any mission and prepared for any duty that may arise.

But the one supremely significant and vital principle that lies at the basis of all our activity and development is the value that we place on the individual. Our institution does not regard men so much in the mass, but it exalts the individual man as the most important object of all creation. It is not concerned particularly about his rank or station in society but it recognizes him as fit to associate with kings and to become the heir of all the ages. It looks upon him as the child of God and destined to live forever.

This is the tenet of our Order without which all the others would be as "sounding brass or tinkling cymbal." If our brethren, generally, would accept this truth without reservation, if the belief in the inestimable value of man and the conviction that he was made in the image of the Creator and shall live through eternity were a living, active, vital, compelling force in the minds of Masons everywhere, what a mighty revolution would soon be effected in human affairs; what tremendous strides would be taken by us towards the realization of the lofty ideals of our ritual! If the 45,000 Masons in California believed with all the power and fervor of sincere and undisturbed conviction that this earth is not our abiding place, that man is more deathless than the stars, that he is capable of infinite development, that we are destined to be associated through eternity with the spirits of the just made perfect, would not our influence for higher things be multiplied, and through our efforts would not the State soon become a much better place in which to live?

What we need more than anything else is steadfast faith in these fundamental principles. We are comparatively weak and our influence is impaired because many of us do not believe with the whole heart the great vital doctrine that we profess. If we would, and could only accept it with full conviction and unchangeable purpose, we would have like power with those men of old, who the apostle says: "Through faith subdued kingdoms wrought righteousness, obtained the promises, stopped the mouths of lions, quenched the violence of fire, escaped the edge of the sword, out of weakness were made strong, waxed violent in fight, turned to flight the armies of the aliens."

If we had the full measure of this faith in man and his Maker we should realize and we should teach our neighbors to realize that while we seem to be standing on the borders of an awful gulf which is swallowing up all things human and there appears to be, amid this universal wreck, nothing stable, nothing abiding, nothing immortal on which poor, frail, dying man can fasten, this seeming darkness of the tomb disappears before the illuminating light of faith and, sustained by its gracious influence, with joy and courage in the place of fear and despair, we approach the cold waters of death.

Everything else will disappoint you; everything else is mutable; everything else will fail you in the hour of severe trial. But this abiding faith in the value of man and in the existence and providence of God will never fail you. It may be represented as a citadel against which the storm may rage and spend its force in vain. It will stand firm amid the ruins of all material things and it will endure forever.

If we had this faith as an inseparable part of our daily life, if it were ingrained into the very fibre of our being, we could not be satisfied with our present indifference towards the misfortunes and misery of our fellow-men. How complacently, indeed, do we view the wretchedness that is all about us. How easily we persuade ourselves that we are not responsible for the unhappy condition of our neighbors and that we are powerless to alleviate it. Blessed probably with good health, possessing the means whereby we may secure for ourselves and families the comforts and even the luxuries of life and occupying, it may be, positions of honor and usefulness in the community, we wrap about ourselves the cloak of self-righteousness and wonder how anyone can find anything to complain about in this beautiful world.

If we had this faith as we ought, my brethren, we would rather be and feel like Tolstoy after the great change came into his life. This great philosopher of Russia was born in the ranks of the nobility and he enjoyed every possible social distinction. It is said that "He sounded all the depths and shoals of honor in so far as honor could be derived from society or from literature and yet, at the age of forty-eight, life seemed so vain and empty to him that he wanted to die." But he became a new creature through the inspiration of higher ideals and for thirty years living the simple life of a peasant, he preached and practised a philosophy based upon the doctrine of the great commandment: "Thou shalt love the Lord thy God with all thy heart and thy neighbor as thyself."

Nor could we be content to donate a part of our money to relieve the distress of our neighbors. Such assistance, of course, is to be commended, but we cannot so easily discharge our whole duty to those in need. No doubt, the donors of pretentious charity often apply to themselves the pleasing unction of "duty well done" though their gifts are like that of Sir Launfal, when starting upon his search for the "Holy Grail" he encountered the leper at the gate of the castle, beseeching aid. Sir Launfal was filled with loathing at the appearance of the afflicted man, but to salve his conscience he tossed, in disdain, to the beggar a piece of money. The unfortunate mendicant needed money, but he needed sympathy and affection more, and with scorn he rejected the gift.

But how different is the story when Sir Launfal returned from his search and saw the leper again. His gift then was of the humblest character, but back of the gift were love and compassion. As Lowell has so beautifully expressed it:

"Then the soul of the leper stood up in his eyes;
And looked at Sir Launfal and straightway he
Remembered in what a haughtier guise
He had flung an alms to leprosie
When he girt his young life up in gilded mail
And set forth in search of the Holy Grail.
The heart within him was ashes and dust,
He parted in twain his single crust;
He broke the ice on the streamlet's brink,
And gave the leper to eat and drink;
'Twas a mouldy crust of cocuse brown bread;
'Twas water out of a wooden bowl,
Yet with fine wheaten bread was the leper fed
And it was red wine he drank with his thirsty soul."

Indeed, the world needs the red wine of sympathy and love more than it needs the chilling gifts of formal charity.

If we had faith, my brethren, even as a grain of mustard seed, we should studiously refrain from spreading any snares, digging any pitfalls or placing any stumbling blocks for the wandering feet of our weak, erring neighbors. Are not the inducements to sin sufficiently alluring? Are not the temptations to abandon the way of virtue sufficiently strong? Are we not all in danger of becoming finally castaways? And shall we, with knowledge of the peril that lurks even for the strongest and best, do anything to encourage the evil beasts of passion or of appetite to impair or destroy the moral fibre of our brother's character?

We may be strong, but we must help to bear the burdens of the weak. We may be able to resist temptation, but we must put no temptation in the way of our brother who may fall. We "must eat no meat" even, if it cause our brother to stumble.

If this faith and our profession mean anything to us will we not be restrained from defaming the character of our brother and will we not hold his character in our affection as a treasure worthy of preservation just as we regard our own good name? This does not demand compromise with flagrant vice or fellowship with dishonesty or corruption, or that we shall ignore or excuse persistent wrongdoing or that we abate our opposition to everything that is indecent or debasing in public or private life or that we shall waver in our demands that Masons shall observe the moral law and discharge as a sacred trust the duties of citizenship. But it does mean that the reputation of every man, especially of this "Household of Faith," shall be a precious thing in our sight, that we shall scorn to destroy or to detract from it unless we are compelled by a high sense of duty to society or the interests of justice require that we speak the truth.

Brethren, may we have this day a stronger faith than ever before in the everlasting efficacy of these great ideas upon which our Order is founded. May our strength be renewed, our vision clarified and may we have a higher conception of the importance of the work in which we are engaged. May we realize more fully the debt of gratitude we owe to the munificent Author of our being for the gifts of

mind that He has bestowed upon the children of men and for the possibilities of moral and intellectual progress and development that are ours without distinction of outward circumstance. May we never forget that not only is it our imperious duty to cultivate and develop those gifts, but that the employment of them in the service of our fellow-man must ever be the source of the greatest gratification and the surest guarantee of their ultimate perfection.

Let us not be satisfied with our past achievements nor content with what we are now doing for the welfare of mankind. There is an urgent demand everywhere for more aggressive efforts to stay the hand of injustice, to oppose the usurpations of tyrannical power, to cripple the wings of avarice and to bring to naught the ambitious schemes of selfish aggrandizement. But the only way possible by which the destruction of wrong may be effected and needed reforms in government and society may be accomplished is through the acceptance by the masses of the people of these moral sentiments to which we have pledged our allegiance.

As Mr. Bancroft has said: "It is alone by infusing great principles into the common mind that revolutions in human society are brought about. They never have been, they never can be effected by superior individual excellence." He refers to the age of the Antonines as the age of the greatest glory of the Roman Empire when men, distinguished by every accomplishment of culture and science, for a century in succession held undisputed sway over more than one hundred millions of people, until Marcus Aurelius, the noblest of all the emperors, ascended the throne. He could do nothing. His philosophy, though of the highest type, did not and could not stay the downward tendency of the Roman Empire, nor did it accomplish a single great beneficent reform. It is a solemn truth that Bancroft uttered when he declared that "Society can be regenerated, the human race advanced, only by moral principles, diffused through the multitude." And we must do our part, my brethren, to induce the multitude to believe and to accept these principles.

The task we have before us is, of course, a stupendous undertaking, but the reward will be commensurate with the effort required. We shall not work alone, but we are to be associates and co-workers with all the forces of righteousness, and it may not be in our day, but in the near future, as the splendid result of all these good influences the world shall know the truth and "the truth shall make them free." And men shall believe, and act as they believe, that "there exists," as Washington said, "in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage," "and the propitious smiles of Heaven cannot be expected on a nation"—and he might have added, on an individiual—"that disregards the elemental rules of order and right which Heaven itself has ordained."

Let us never doubt for a moment, my brethren, that these principles are eternally right, that if we faithfully practise them they will bring us peace and happiness here and glory in the Hereafter.

ALBERT G. BURNETT,
Grand Orator.

32

CUBAN INTERVENTION.

SPEECH

OF

HON. STEPHEN M. WHITE,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

SATURDAY, APRIL 16, 1898.

WASHINGTON.
1898.

SPEECH

OF

HON. STEPHEN M. WHITE.

The Senate having under consideration the joint resolution (S. R. 149) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, reported by Mr. DAVIS, from the Committee on Foreign Relations—

Mr. WHITE said:

Mr. PRESIDENT: I recognize the solemnity of this occasion, the most momentous that within my brief day has challenged the attention of the American people. To its solution there should be brought the best intellectual capacity of all who have the obligation or right to act, and the judgment rendered should be uninfluenced by aught else than the dictates of justice. The high duty which we are called to perform will test our qualifications for the trust committed to our keeping. It is disagreeable, to use an expression scarcely forcible enough to cover the occasion, to dissent from the common view—to antagonize a general but suddenly formed conclusion. It is pleasant to receive the plaudits of our fellow-men.

The approval that evidences the concurrence of the public inspires us all, adducing unfeigned delight that conscientious thought has permitted us to take action in accordance with the general view. Confronted by these considerations and thoroughly appreciative of the good will of those by whom I am surrounded, I can not avoid the fact that there stand on the other side suggestions of the most solemn obligations. These I must interpret for myself. There is for me nothing save to express those conclusions which my conception of right have caused me to form regardless of personal interest. I can less easily depart from the pathway thus demarked than sacrifice my most cherished and dearest surroundings.

Nay, Mr. President, the terrible responsibility which requires our attention is beyond all things merely personal or individual. We are here to do the right, no matter what ill shall attend us. We are here compelled to make history; not vaingloriously to seek to transmit our names to posterity, but to write the record of a nation which we love beyond self, a record which we should so make that when we have passed away will shine bright and unchanging in the full radiance of the intellectuality and morality of enlightened men.

Mr. President, what are the questions here? We witness, but slightly removed, a scene of war. The intervening distance is hourly diminishing. I agree that the conditions are such that it

is almost useless, perhaps absolutely so, to urge a pause or to attempt to retard the warlike tendency. But it will not be amiss in this moment of excitement, this hour of exaltation, this time of unreasoning patriotism, to delay an instant and to reflect upon the nature of the act about to be done and the consequences certain to follow.

The situation is of mighty import. It is no waste of time to portray it with impartiality and candor. The acts here done will live as long as freedom—as long as justice shall be administered among men. We must be warranted not by an excited populace, but by wise decrees of unimpassioned history. I regret that under these circumstances, either in the report of the Senate committee or upon this floor, expressions have been used indicating prejudice and savoring of revenge. I regret that the debates in this Chamber should refer to stale events transpiring under Spanish influences more than three hundred years ago, or that the committee should have spoken of "the duplicity, perfidy, and cruelty of the Spanish character, as they have always been."

Mr. President, the right to make such charges we have waived. We have accepted a seat with Spain in the family of nations. She has not been excluded from our sovereign society. We have thrown around her the arm of fraternal friendship and seized her hand in affectionate clasp. We have received her ministers, sent ours to her court, and in all respects declared to the world our friendship for her. During our great Exposition we invited her representatives to our shores. The Infanta Eulalia was received with almost unexampled honors—greater, perhaps, than were accorded to the envoys of other countries. We are estopped to seek a cause for estrangement in the wrongs of departed generations. The present difficulties must be determined in the light of actual conditions, without reference to the transgressions of antiquity. Any other treatment would be undignified and even puerile. Let us meet the momentous questions presented to us in the light of their peculiar and legitimate surroundings. As rational men we can afford to treat as immaterial and unfortunate the references to the Duke of Alva and the Inquisition. We will not, I presume, pretend to free Cuba or to attack Spain because of these iniquities.

Mr. President, no one doubts that Cuba has been misgoverned. No one doubts that many places and many peoples in this world have been misgoverned. No one doubts that this great Republic is potent enough to defend herself in any engagement. I cordially indorse the utterances of the Senator from Colorado [Mr. WOLCOTT] with reference to this topic. There is no glory to be gained by the United States in a war with Spain. Intrinsically and as far as war itself, disentangled from other propositions, is concerned, no fame will be won by us. Spain is weak. She no longer commands the sea or dominates the land. In the march of events—by forces beyond her control—her foreign dominions have been taken away. She has been shorn of the possessions which she acquired by her enterprise and her valor. She has lost nearly all these, until she stands to-day in the presence of her woes, the Niobe of nations. Her financial embarrassments, her shattered treasury, her army reduced by disease and hunger, her navy of indifferent strength, her resources lessening daily—she is, indeed, but a remnant of the Spain which wrested the Alhambra from the Moslem.

I do not fear her. No American fears her. There is no rational question of the outcome of the impending struggle. It must be

victory for the American people. But, Mr. President, powerful as we are, with millions of freemen ready, whatever may be our personal views, to spring to arms and to give our every dollar and the last drop of blood to vindicate our nation's honor and defend our flag; with our fertile soil budding and blossoming with products of luxury and necessity over an almost limitless area; with all the gifts and blessings of nature about us in rich profusion—our possession and our heritage—we are great enough to do justice.

In the early days of this Republic, in the dawn of our nation's life, a great statesman said with truth that he knew of no spectacle more sublime than that of a powerful nation kneeling before the altar of justice and sacrificing there alike her passion and her pride.

Here we can rest an instant to look upon conditions as they actually exist, and to write in compliance with verity a record which in cooler moments will be scrutinized by our children, who will ask themselves whether we were right. There may be no recall for our error. There can be no excuse for a mistake easily detected or direful in result.

The President of the United States, charged by the Constitution with the conduct of our diplomatic affairs, has been earnestly and actively engaged in attempting to bring about order in Cuba, followed by the independence of that island. It is my opinion that if he is permitted to pursue the course he has marked out for himself, if we let him alone, Cuba will be free, the *Maine* incident will be justly and honorably settled, and not one drop of American or other blood will be shed as a result of present estrangements.

But we are to have war. Every Senator who has spoken declares so, and in the same breath deprecates such a consequence. In beautiful language, in phraseology I will not attempt to rival, Senators have depicted here the atrocities of warfare. Who knows them not? Who has read the story of man and has failed to sicken at the ghastly spectacle of the battlefield?

> Lo, the giant on the mountain stands,
> His blood-red tresses gleaming in the sun.

When did reason assign to brutal conflict the settlement of any dispute? What true Christian ever willingly consecrated to the arbitrament of brutality issues involving rectitude and honor? War is the last resort. If wantonly resorted to it is wholesale murder.

There are times when settlement is impossible, when every reasonable offer has been spurned, and when the welfare and honor of individual and people alike demand that the sword shall be drawn. But the cause must be evident and undeniable. All other solutions must have failed. The nation that rushes into war in hot haste has not drank of the fountain of wisdom. When I was a child but some 8 years of age, the horrors of internecine strife broke upon the United States. Shattered forms, some of them in this Chamber, ruined homes all over the land, men and women mourning for those holier to them than property or life, furnish proof even now before the world that—

> Elemental rage is tame to the wrath of man.

Nearly a million names upon our pension roll rehearse the story more graphically than human lips may depict it, and demonstrate how much of ill effect remains more than a third of a century after the storm has passed. This is but an instance. All history

is thronged with examples and is pictured with the terrible experience. Senators conceding all this yet say that war must come, because our honor shall not be impugned, even though a desperate struggle may be forced upon humanity.

I agree that there are occasions where an appeal to arms alone remains. I repudiate the calumny that those who do not find a reason for extreme measures here are for "peace at any price." This slanderous charge emanates from the thoughtless or insincere. I am for war only when it can not be honorably and wisely avoided. I am against war where the desired legitimate results can be otherwise attained. I am opposed to precipitate action. In the presence of such a possibility those charged with grave responsibility should be patient as well as firm, just as well as courageous. A delay, even if compelled by an opponent without candor, is better than unnecessary hostilities.

I propose in a very general manner to examine the alleged grounds for the action we are asked to take by the Committee on Foreign Relations. We are told that the abhorrent conditions in Cuba have been a disgrace to civilization, and have culminated in the destruction of the *Maine* and 266 of her officers and crew, and that the conditions prevailing can not longer be endured, as has been set forth by the President in his message of April 11, 1898; and hence we are expected to declare that the people of Cuba are, and of right ought to be, free and independent; that this Government demand that Spain at once leave the island, and that this demand be enforced by the President. The Executive, in the message referred to, merely sought authority to take measures to stop hostilities, establish a stable government, and to use the Army and Navy, if needful, for these purposes. All concede that Spain will not yield to these demands.

Mr. President, a Senator has said that the *Maine* incident alone or the Cuban inhumanities alone might not be sufficient to precipitate war, but that conjointly they render this outcome unavoidable. Our people have never been so thrilled as when they learned that their great and beautiful ship in the harbor of Havana had been torn to pieces and that the bodies of loved ones had been driven into the mud and mire of an alleged peaceful haven. They were not and are not in a condition to take a judicial view. The public heart was fired, and the demand for vengeance echoed and echoes from every hill. It is borne from the shores of the Pacific far inland; it does not pause on the summit of the Sierras; nor does it lose its resonance upon the crest of the Rocky Mountains. From ocean to ocean it thunders, and on the stormy Atlantic tells in the language of a common kindred its uncompromising resolve.

Pause a minute, Senators, and ask yourselves: Is there, even under these circumstances, no possible solution except that of arms? I will not discuss the evidence as to the destruction of the *Maine*. I will not go over the reports of the American and Spanish boards. I may not entirely agree with everything which has been said concerning them, but I do not intend to make this an arena for such a disputation. I assume, as it is my duty to do in view of the position of my Government, that the report of the American board is correct. But shall the adverse party be absolutely prevented from questioning this conclusion? Senators say that Spain has virtually admitted the act. No such confession will ever be found by the impartial investigator. Spain denies

that she either directly or indirectly did it. The President, declaring that the naval court of inquiry has the unqualified confidence of the Government, says of that report:

It did not assume to place the responsibility. That remains to be fixed.

He then declares that the *Maine* incident discloses an intolerable state of things in Cuba, informs us that Spain assures us that she will do all that the highest honor requires, and that she proposes—

That the facts be ascertained by an impartial investigation by experts, whose decision Spain accepts in advance.

To this communication no reply has been made. No ultimatum has been issued by us; no final demand regarding the *Maine*; no refusal to arbitrate. The President does not find any cause for war here. But it is said war alone will atone for the *Maine*. Neither the question of liability nor indemnity can, it is asserted, be considered. Assuming a crime was committed, who are the guilty persons?

General Lee says that he does not believe that General Blanco had anything to do with it or had any knowledge of it; that when Blanco heard of it he cried; he seemed to regret it as much as anyone. Well might Blanco regret it. He knew, as the world knows, that such an act upon the part of Spain would be madness. General Lee, who was on the ground and observed the tout ensemble of the situation, said he was confident of Blanco's sincerity in grief. But at all events it is vehemently averred that this was an external explosion; that it was the result of the act of a Spaniard, an officer of Spain, and the penalty of his deed, under the laws of nations and the dictates of justice, should be visited not only upon him but should likewise be inflicted upon Spain. And for this we must resort to war. No indemnity will suffice or be accepted.

Senators have said no indemnity can reach this case. What can reach it? A few years ago in an Asiatic empire there were several missionaries murdered. Three great nations demanded that the guilty should be punished. Ten or fifteen miserable wretches were seized, bound and placed side by side, and beheaded. Perhaps some of them were guilty. At all events, they were offered in atonement. One of the nations involved objected that there were still others who had been participants in the original crime, and the officer in charge of the province, desiring no foreign complication, ordered out other victims and beheaded them likewise, remarking to the insistent foreigners, "Is there anything else, gentlemen, that I can do for you?"

Are we, Senators, to solve the *Maine* issue upon this atonement theory?

Upon what principle are we to act? Is there any question as to how the dispute should be settled? If it was the deliberate act of an individual and by any process of investigation we could discover that individual, it would be our duty to follow him up and to demand that he should be delivered over to impartial justice. But we do not know the perpetrator. We can not identify him. We insist, however, that Spain shall be punished as a criminal and that barbaric methods shall be invoked.

Mr. President, in cases such as this there is no settlement worthy of the age save the imposition, if the facts be proven, of a liberal and commensurate indemnity and suitable admission of the propriety of our demands.

I would not waive indemnity. Such a waiver would be in the interest of Spain. Assuming that the *Maine* was lost under cir-

cumstances involving that Kingdom, a sum commensurate with the deed should be exacted. If you decline indemnity, what are you to do? Shall we train our guns on Morro Castle, upon the city of Havana, drop our shells upon the innocent, and send to eternal judgment men, women, and children who knew nothing in advance of the *Maine* disaster and are not guilty unless their mere presence in the island makes them so? Will you invade Spain? Will you carry the sword of conquest to her capital city and destroy her as would the conquerors of old? Surely such conduct would be antagonistic to the teachings of Christianity. But I am told, "As a penalty, free Cuba."

But, Mr. President, if you admit that there is to be a penalty at all susceptible of justification, you must concede that it should be exacted in accordance with the rules and laws of civilized peoples. You can not justly free Cuba except upon the merits of her claims. If she is entitled to freedom, her argument must rest upon its own merits. The day for an eye for an eye and a tooth for a tooth, if it ever existed, has passed away. Such a doctrine can not be taught, save by a heretic, from the pulpit of civilization. Surely no human being in this enlightened age wishes to slay an innocent person because of the misconduct or crime of another. Shall we find consolation in the mangled forms and destroyed property which will follow our invasion? If this be true as to the injury we are to do the Spaniard, what shall we say of our own people? Who shall ever pay for the stalwart and brilliant American manhood to be sacrificed? For these no money can be paid or indemnity exacted. If our heroes must die, let it be in an unavoidable conflict, not in a case still under negotiation and where there is a difference of opinion as to the facts.

There are times and hours when such calamities must occur. Such times have been; they are not forgotten in the glorious records of human prowess. But the time is not now. Upon what do you rely to justify war, Senators? Who is the President of the United States? I am not of his party. I need not call attention to that fact. But he, as our Executive, charged with the duty of administering diplomatic affairs, in a state paper which will remain here as long as the archives of this Government endure, has stated your case. Before the world to-day, to-morrow, and after is and will be that statement, made within the Presidential jurisdiction—a statement emanating from the loftiest station known to our system.

What does he tell us? He informs us in appropriate and plain words that the *Maine* matter is the subject of diplomatic negotiation; that he has forwarded a note to Spain and that Spain has responded, declaring that she is willing to submit the matter to an impartial tribunal and to accept its verdict as final. To that proposition no reply, no demand, has been made. We have not officially insisted that Spain must do any particular thing in consequence of the *Maine* incident. She denies that she is guilty, and because she so denies we are told eo instanti arose a casus belli; that because she negatives the charge in the indictment she can not be heard before any tribunal save one of our own creation. Such is the proposition upon which you must act.

In the council halls of reason, in that tribunal where a single nation does not dominate, but where civilization asserts itself and justice and manhood prevail, it will be held that there has been no judicial investigation of this subject, and this will be the ver-

dict of history, regardless of the report of the Committee on Foreign Relations. No man can judicially investigate the case of one he loves and honors, and who has died, according to common report, by perfidious hands. Can one so interested impartially try the accused? Our own jurisprudence is builded on other and more rational lines. Human nature is too weak, its infirmities too obvious, to permit under such conditions that impartiality which alone makes a judgment final in the opinion of the able and the just. No investigation has been conducted with "judicial thoroughness and deliberation," the Committee on Foreign Relations to the contrary. No such judicial thoroughness is being displayed here. We are rushing along at a rate to make familiarity with the record an impossibility, and are given less time to examine issues involving war than is ordinarily accorded to a litigant in an unimportant matter.

For a moment let us consider the other phase of this unhappy dispute—that which seeks to justify our invasion of Cuba because of the inhumanities which have been practiced there. The President feelingly and forcibly alludes to the barbarities which he hopes to terminate. He attributes the extraordinary suffering to Weyler's reconcentrado order, but at the same time there is transmitted to us correspondence from our consuls in Cuba showing not only that the reconcentrado order has been vacated, but that the insurgents have themselves interfered with the ability of the people to earn their bread. From these reports I make the following extracts:

On page 28, Mr. McGarr, at Cienfuegos, says:

> Small predatory parties of insurgents make frequent attempts to fire the cane fields, and it requires constant and active vigilance to prevent their destruction.

On November 17, 1897, Mr. Brice, at Matanzas, reported (page 29):

> A general order has been issued allowing reconcentrados to return to the country, but the restrictions placed in order are such as to practically prohibit. If they went, what can they do without money, food, or shelter? Only those who can obtain employment on sugar plantations can live. Insurgents say no one will be allowed to grind in Province of Matanzas.

The same consul, on December 17, 1897 (page 30), reported:

> A few plantations are grinding cane. In every case they are heavily guarded by Spanish troops and have paid insurgents for so doing. Was shown a letter from insurgent chief to owner of a large plantation, in which price demanded for grinding was 2,000 centones ($10,600 United States gold). It was paid.

On page 33 of the same report there is a copy of an order issued by Calixto Garcia, of date November 6, 1897, in which it is stated:

> All persons who come within our lines commissioned by the enemy with proposals to submit to Spain will be tried and punished as spies.

Mr. Hyatt, at Santiago de Cuba, reported on December 5, 1897 (page 34):

> Mr. Rigney, an American sugar planter near Manzanillo, was preparing to grind during the coming season. A few nights since the insurgents fired seven cannon shots among his buildings, one ball passing through the roof of his house. Americans were hopeful that they would be allowed to make their crop, and several are making ready to do so; but the action of the insurgents toward Mr. Rigney gives the problem a doubtful aspect. It may have been a personal matter against Mr. Rigney.

The same consul, on December 14, 1897, reported (page 35):

The order of reconcentration is now practically wiped out, and, so far as the Spanish Government is concerned, men go about nearly as they please. The insurgents and their sympathizers will unquestionably take advantage of the revocation to get from the towns and cities what they need, and otherwise strengthen their cause.

On January 12, 1898, Mr. Hyatt reports (page 38):

I had hoped that after the reconcentration order was revoked, through the energetic action of the present Administration, we would find no trouble in reinstating American industries; but it appears that all of the benefits that should have accrued to our citizens are thwarted by the action of the insurgents, who refuse to allow them to return to their sugar, coffee, and other estates. The Pompo manganese mines, owned by Americans, which would at the present time be a very profitable investment if allowed to operate, are also being held up by the same power.

The three Revery brothers, who I informed you recently I was about to assist in returning to their coffee and fruit estates, got there only to find they could not go to work until permission was obtained from the insurgent commander, which permission seems doubtful, I myself, as I understand my duty, being inhibited from rendering them any assistance at this point.

Mr. Hyatt likewise reported on January 31, 1898 (page 40):

On Sunday morning the regular passenger train on the Sabanilla and Maroto Railroad, when 5 miles out of Santiago, was blown up by dynamite bombs, exploded by electric wires; two cars were shivered in atoms. Five passengers were killed outright and twenty-two badly wounded, some of whom have since died. It is thought by some that the insurgents believed that Captain-General Blanco was on the train; by others that they merely wanted to notify the General that they were around and attending to business.

This, it will be observed, is the condition of things prevailing after the reconcentrado order has been vacated.

On February 1, 1898, Mr. Hyatt again forwarded a report (page 41). He said:

General Blanco's mild and humane policy meets with but a feeble response from his own followers, while the insurgents laugh at the old man who throws sods and grass instead of stones.

Mr. Barker, at Sagua la Grande, on November 20, 1897 (page 46), reported as follows:

As to grinding the present crop, I have interviewed most of the largest planters in this consular district, who stated that unless assured of immunity from the insurgent chief—Gomez—they would not jeopardize their property by attempting to grind.

On December 15, 1897 (page 49), he further reported:

Thinking it may interest the Department, I have the honor to transmit herewith clippings from a leading Spanish journal published in Havana, * * * calling attention to the inability of the mills to grind in the Province of Santiago de Cuba, which is one of the obstacles to grinding in this (Santa Clara) province, were the planters able to pay tribute required by the insurgents.

Mr. Barker, on December 28, 1897 (page 50), states:

To grind this cane without interruption would be the means of saving the lives of thousands who, without this or outside aid within the next thirty to fifty days, must die of actual hunger. Over a month since the planters were officially advised of Spain's inability to provide protection in order to operate their mills. This leaves the sugar growers entirely in the hands of the Cubans in revolt, as to whether they will be allowed to grind without hindrance or fear of total destruction of their property. I know that strict orders have been given to subordinate commanders under no circumstances must mills be permitted to grind, under penalty of violation of the order destruction of property.

The people of Cuba have indeed had a hard time. Apart from personal perils, they have also been forced to pay onerous taxes and to submit to the most extravagant impositions—a state of things for which Spaniards and insurgents seem to be both responsible. I am informed by authority which I deem good that

all the sugar mills in Pinar del Rio, Matanzas, and Havana were closed by the insurgents, each factory having some 500 men dependent upon it.

This was a measure of war. I am not challenging or discussing the propriety of it. War is not sympathy—it does not beget comfort or happiness. In our civil conflict we learned something of it. I have read in the records of that period, which our Government is publishing, letters from those who belonged to the respective armies giving accounts of fearful suffering too horrible to describe and incident to the remorseless business of carnage. Death amid the lurid fires of destruction has been, not only in Cuba but in many other lands, the common attendant of war.

It appears plainly enough from the President's message that there were two leading reasons for Cuba's suffering. One was the brutal order of Weyler and the other was the conduct of the insurgents in refusing to allow people to go abroad and produce or procure the necessaries of life, as shown by the reports which I have read.

Mr. President, I shall endeavor in a moment to show by the President's message that Spain, instead of ignoring. has been yielding to our demands and that we waited while the obnoxious orders of Weyler were in force, and are now demanding war when the spirit of concession seems to be abroad.

But I will digress a moment to consider the specific resolutions before us. The President, in the light of the facts alluded to in the consular reports, concluded that the condition of affairs in Cuba was such that there was no government which he could afford to recognize. The majority of the committee, in addition to the preamble, reported the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

The minority propose this:

The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

If we concur with the general situation outlined by the President, if we accompany the majority of the committee, we can not escape the conclusion that the amendment of the minority is right, and that the Republic of Cuba, not the people of Cuba, are entitled to recognition. It must be understood that I am opposed either to a declaration of war or to resolutions which must bring war. I hold that there is nothing which we are legitimately entitled to seek which can not be obtained by diplomacy, and that Executive successes warrant this conclusion. But if we must acknowledge the independence of either "the people" or the "Republic" of Cuba, I favor the latter. If there is any governmental organization in Cuba, outside of that of Spain, it is that over which Masó presides. The report of the committee shows this, and if it does not establish that the insurgents have a government,

it fails altogether. I might add that I cordially agree with the Senator from Wisconsin [Mr. SPOONER] that the power to recognize is an Executive function. I elaborately discussed that proposition upon another occasion. But the Senate it seems is determined to recognize one of two organizations, and we must all make our choice, whether we do or do not favor either.

I have no suspicion with reference to this subject. My conclusions may be wrong. I have been mistaken more than once. I accord that absolute concession of independent judgment to my neighbor that I demand for myself. But I fear that a grave error is threatened.

Assuming the position taken by the majority of the Senate, how can it be that the people of Cuba are free, but without a government? Is there a monarchy in Cuba, Mr. President? The majority's resolution denies it. If the people of Cuba are free, what is the character of their government? From the circumstances of the case, it must be a republic. If you mean that the people are free, you mean that Maximo Gomez and those who follow him have been successful. The people of Cuba are not free, certainly, disassociated from the Republic of Cuba. Who are the men who have struggled for their freedom—the men who have hidden in the swamps, sought refuge in the forests, passed through labor and travail to accomplish the existence of a nation? If Cuba is free—and you say so—it is the insurgents who have made it so, and their government, the republic, is the representative of the people. Then why not recognize the republic, if you insist upon some recognition?

What is the meaning of the word "people" as here used? In this sense the word means a nation. It is a political entity. It is not a nomadic band of disorganized adventurers or inhabitants without a head. There can not be a free people composed of scattering tribes or individuals with diverse objects waging local disputation, each contesting with his neighbor. If the word "people" is at all appropriate, it means the physical expression in governmental form of the concentrated power and will of those who inhabit the territory involved. Such an organization alone constitutes in diplomatic phrase a people. Why not, therefore, identify the government which you wish to recognize? Why should there be any question here—any doubt to perplex us in the future?

If you are determined to expel Spain from Cuba; if you are determined to contend that violation of the Monroe doctrine is desirable and that it is wise as well as just to invade Cuba; if you are willing to repudiate the precedents of our history and the teachings of the fathers, be nevertheless consistent. Do not go to Cuba without a declaration of what you intend to do. Do not go there without placing upon your banner in indelible and certain language the object you seek to attain. This looks like a war of conquest. For the first time in our history we are to engage in the avocation of either subduing a state or of making a government.

Every member of this body admits that war should come only as a dernier resort. Then do not invoke it, save only in the cause of that liberty to which every Senator here declares that he is willing to pledge his life; but do not compel it merely because Spain for so many months declined those concessions which she is now making. Even if she is slow, or, as is said, evasive, every

hour brings us nearer to the end we all covet. She is gradually acceding to our suggestions. Is there any question as to the ultimate action of those who may seek to carry out the mandates of the majority resolutions?

I attribute no ulterior motives, but able and patriotic men here and elsewhere have construed these resolutions as meaning that something may occur not in accordance with the wishes of any of the American people. Those who approve of intervention do not consent that the insurgents shall be ignored or that we shall be foreign state makers. Let the language, if you must pass any resolution, be plain and simple. Let the words be such that they can not be misunderstood. Now, that attention is called to it, there is no excuse for ambiguity. And out of all this horrid work—if we are to plunge into bloody scenes—let us at least evolve something like a real republic. The President well says that forced annexation would be criminal aggression. Have a care that this does not result.

Oh, if it should happen, which I trust can not be, that after a conflict involving the taking of life, the weeping of widows and orphans, the deprivation of limb, and the sacrifice of the flower of our flock, it should appear that we had waged a war of conquest, and that the permeating motive was not patriotism, but sordid avarice, what a desecration, what a disgrace to the American name! Let us have no doubt about this. We all agree that improper motives are absent, but our phrases will be the subject of ruthless investigation, and the vast importance of the occasion suggests consummate prudence.

I agree, as I have said, with my friend from Wisconsin [Mr. SPOONER]. He and I have discussed the subject here before that the Executive has the power of recognizing independence. I concur with him in disapproval of language which directs the Executive—a coordinate branch of the Government. But I do not design to reopen that issue, so ably treated by that distinguished Senator. I repeat, if we are to have recognition at all—and I believe that subject should be left to the Executive—let it be the only recognition for which there is the slightest argument, that of the Republic of Cuba.

Mr. President, whatever we are to do, I repeat, let it be obviously definite, specific, positive, so that this work may not be worse than it must be.

The majority of the committee have stated as follows—I refer to the report, page 19—in speaking of the insurgents:

> They have not been subdued. The autonomy proffered was specious and illusory. It has been rejected by the insurgents, not because it was specious and illusory, but because they will accept nothing short of complete national independence. The suggestion of a more complete autonomy has also been rejected by them. They declare to the United States and Spain alike that no terms short of independence which those powers may attempt to prescribe to them will be accepted. Spain refuses to grant independence.

Thus the committee notifies the world that the Cuban insurgents absolutely decline to accept anything short of independence, and that independence the committee does not intend shall be granted. They have placed the insurgents before us as men who will not voluntarily allow the intervention which this resolution professes to extend. The President asks for authority to establish a stable government. He makes no tender to the insurgents. He seems to recognize the peculiarity of such a course in the light of our nonintervention history.

Senators, you who believe in intervention as being warranted in the name of humanity, and who are satisfied of your jurisdiction and insist upon immediate invasion, study this platform upon which your country must stand with painstaking devotion. Declare not that a people are free, but give that people a name. Nowhere in the narrative of man's transactions can there be found recognition such as this—so threatened and so defended.

Mr. President, returning for a moment to the second point, as to the propriety of our interference upon grounds of humanity, let me call your attention to the diplomatic situation. Our attitude is shown more particularly by the Presidential message. The President of the United States has informed us that the order of reconcentration has been vacated. The consular reports cited are to the same purport. We learn that that order to which we attribute terrible suffering has been set aside. The consular reports advise us that the partial failure of this late humane act is largely due to the intervention of those who are contesting with Spain. There is now no order of reconcentration. In response to an intimation from the President, General Blanco has been required to suspend hostilities. The bloody mandates of Weyler are all merely history.

The demand of the Executive that they should be revoked and vacated has been affirmatively met. If the details are incomplete, the tendency of the present Spanish policy is toward a reversal of her former plan of campaign. You are, therefore, before your fellowmen with the only grounds upon which you rely for intervention swept away from you in response to Executive and popular demand. The *Maine* incident, I have said, is not closed. It is a subject in dispute, with an offer from Spain to arbitrate, to which offer we have not responded; nor, indeed, have we made—as I have heretofore observed—any demand whatever with relation to that calamity. Here is our complaint, the basis of our international action, upon which we must justify an attack, met by concessions from Spain. There is not one syllable in the Presidential message to indicate that it is useless to go further. If any such inference could be drawn from the body of the document, it is expressly negatived by the postscript, which shows unmistakably that the matter is in fieri, that it is still in progress. That debate has not been terminated. The President's language is as follows:

> Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.
>
> This fact, with every other pertinent consideration, will, I am sure, have your just and careful attention in the solemn deliberations upon which you are about to enter. If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

But we must have war anyhow. Our people want it. It is necessary for us, and so it is to come. Such is the unreasoning language of not a few. But I trust that if we follow such advice we will not proceed upon any basis marked out in the resolutions which are before the Senate.

Years ago a man was appointed from England to a judicial position in India. He fulfilled the duties of his office ably. He was known as a great jurist. His practice was to enter judgment without comment. But he lost his head and filed an opinion. He was at once removed. The resolutions under discussion, thus

hurriedly constructed I regret to say, must remain, not for a day, not as a private affair between litigants, who generally lose their individualities and seldom transmit the memory of their wrongs, but your decision will be here photographed as long as society and government continue to be. The reasons which you assign must be those which history will justify under the most rigid scrutiny. If you are determined to fight, if you think, considering the whole situation, there ought to be a war, why not make a naked declaration to that end and proceed without the assignment of reasons which, I fear, will in calmer moments be considered inadequate. We have heard in this debate able men eloquently attacking these resolutions. Their arguments will be more patiently examined hereafter.

Walk upon our streets. We find one man saying war ought to be declared upon one ground, and another who says it ought to be declared upon a different account. The situation must be dubious when the friends of action find it so hard to agree, so difficult to justify.

I repeat, that I fail to see in the light of a careful and painstaking investigation that the end has yet been reached and that argument must be supplanted by force. But for Heaven's sake, make this record clear upon its face at least. Do not so construct it as to disclose any inherent weakness unnecessarily.

Oh, I am told, we are powerful and unconquerable. True. We are mighty. From one end of this great Republic to the other there are in this exigency only united hearts, which argumentative differences can not sever. There is not one who will not aid in defending our common flag. Our resources are boundless; the courage of our people undenied. Granted that we might subjugate the world. There is something beyond that. This, we are proud and prone to claim, is the Republic of the ages. Here is realized the dream of the ancient philosophers who led the vanguard of progress; those mighty few who sought to solve at too early a day the intricacies incident to a free government organized so as to conserve and advance society. Are we to render a verdict justified only by an appeal to power? Shall ours be the barbarian's plea? No, I repeat, a thousand times no! I plead for a determination that will through all the years be approved by those who, knowing the truth, love it.

Mr. President, we have been told that other nations would not have submitted to the *Maine* and other experiences which have been ours. Without further discussion I will concede the assertion, though it might be questioned. Many of the powers of this world—alleged civilized nations—have violated every canon of rectitude and with gory sword have cut pathways for their armies through many opposing ranks and have raised the savage voice of triumph above the lamentations of suffering womanhood and childhood. They have erected their governments over the ashes of departed races. The corner stones of their institutions rest upon human pain and human sorrow. Shall we follow in the wake of such as these? Surely not.

I may be censured for my opinion. Slow in my judgment though I be, I will not involve my country in a controversy which does not meet the entire approval of my conscience. No blame, no condemnation, will ever force me to bring on a conflict which I deem unrequired by any demand of the highest honor or loftiest patriotism, and which I consider in every sense premature, con-

trary to foundation principles, and establishing a precedent upon which we may be seduced from those moorings where the ship of state has safely ridden since the days of her first illustrious captain. I do not care what other nations might do or may have done. I do not take advice from them. The higher mission of our Republic should beget higher resolves, and weak or great, we should apply the same rules to all.

Witness the face of nature as it illumines the loftier walks of civilization wherever on this earth the banner of Christianity and advancement has been borne. What language does it speak? It talks words of peace and good will. Men may violate the precepts of right, but the tide of progress will flow ever onward toward better things. Whenever this Republic, acting in the interests of justice, shall demand that a foreign government must acquiesce in that which we can properly demand, that decision I am willing to enforce. When an exaction is insisted upon, I am prepared to maintain our ultimatum at whatever cost. Otherwise the Government must finally fail.

But I will not continue. I might say much that is pertinent along the same lines. I love liberty; I aspire to witness the betterment of man everywhere. But I see plainly that in this instance our just ends could be achieved by peaceful methods. I care more for my own than for any other land. I will not voluntarily, without imperative circumstances, force new problems upon her or permit her to be allured from considerations of grave domestic concern.

Mr. President, those of us who dissent from the attitude of the majority here, and who think that the time has not arrived for the fierce arbitrament of the sword, entertain no doubt as to the issue. We know that our flag must triumph. We know that it must win on land and sea. There will be no dissenters in the camp. This is our council hall. In these Chambers, in connection with the Executive, are solved all questions of peace and war.

We have our opinions, deeply rooted, perhaps, and firmly set, but we are all Americans. The flag that floats above this Capitol is the flag of the whole people. The individual theory must, after our vote here, be subordinated to the judgment of the majority. When that judgment is rendered there is but one view that can prevail, there is but one course to pursue. Shoulder to shoulder, hand in hand, we march forward with equal step to vindicate the conduct and the action of that Government which we believe to be the best that Almighty God has permitted in all time.

Upon the morrow, when this fearful crisis shall be upon us, in evidence of faith and loyalty and union, let there float from every housetop in the United States the Stars and Stripes.

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SPEECH

OF THE

HON. R. C. WINTHROP, OF MASS.,

ON

THE PRESIDENT'S MESSAGE;

DELIVERED

IN COMMITTEE OF THE WHOLE IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 21, 1850.

WASHINGTON:
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1850.

SPEECH.

I do not rise, Mr. Chairman, to enter elaborately into the general discussion to which the annual message of the President of the United States has given occasion. But finding myself under an unexpected necessity of leaving my seat for a week or two, I have been unwilling to go, without making a few remarks, which I feel to be due to my own position and character.

I have abstained thus far from any expression of opinion or declaration of purpose, in regard to the unfortunate sectional controversies by which our country is now agitated. I have done so designedly, and for many reasons, satisfactory to myself, if to nobody else.

In the first place, sir, I desired to wait until the excitement growing out of that protracted struggle for the Speakership—to which, by the unmerited favor of my friends, I was so prominent a party—had passed away from the minds of all who were engaged in it; and until I could express myself fully and fearlessly upon these controverted topics, without the suspicion of being influenced by any thing of private resentment or personal disappointment.

In the second place, sir, I desired to wait until something of that fervent and flaming heat, which had been so evidently brought here from what may well be termed "the warm and sunny South," had abated; until the angry passions, which seemed pent up within so many bosoms at the outset of the session, had found vent through the safe and wholesome channel of debate; and until there could be a chance that a calm and dispassionate voice from "the cold and calculating North" might be listened to with some degree of patient attention.

In the third place, sir, I desired to wait until matters should be rather more clearly and fully developed; until all the circumstances of the case should be before us; until we should have been able to take an observation of the precise position of the precious vessel in which we are all embarked; until we could ascertain, if possible, what is the real length and breadth, and heighth and depth, of that fearful chasm, that yawning abyss, upon the dizzy brink of which, we are told, the Ship of State is even now poising herself; until we could learn, too, what course might be proposed by older, and abler, and more experienced hands, for extricating her from peril; and until, especially, we might hear distinctly, above the roar of the elements and the rattling of the shrouds, the voice of the responsible man at the helm—the man who has been placed at the helm by a majority of the crew, with my own cordial concurrence; and who, by the blessing of God, I hope, and trust, and believe, is destined to be hailed by us all hereafter as "the Pilot who has weathered the storm!"

These, Mr. Chairman, are some of the views with which I have thus far abstained, and would gladly have still longer abstained, from any parti-

cipation in that strife of tongues which has so long been raging around us—a strife, let me say, which has seemed to me likely to have no more important or practical issue, than that which was chronicled by one of the sacred historians in regard to a quarrel among the Hebrew tribes, when he summed up the whole matter by saying—"and the words of the men of Judah were *fiercer* than the words of the men of Israel."

But, sir, I have not been permitted to pursue this *expectant system*, as an honorable member of the medical faculty near me, (Mr. VENABLE,) would probably call it—I have not, I say, been permitted to pursue this course of silent observation without interruption. It appears to have been the studious policy of a few members of this House to drag me into the debate, whether I would or no. Not satisfied with having accomplished my defeat as a candidate for re-election to the Speaker's chair—a defeat, sir, which, in all its personal incidents and consequences, I have ever regarded as the most fortunate of triumphs, and over which no one of my enemies has rejoiced more heartily than myself—not satisfied with the accomplishment of this result, they have made it their special business to provoke and taunt me by unworthy reflections upon my political and official conduct; and more than one of them has not scrupled to assail me with the coarsest and most unwarrantable personalities.

It is my purpose, sir, at this moment, to notice some of these unmannerly assaults; and no one will be surprised, I think, if I should be found doing so in no very mincing or measured terms.

Indeed, Mr. Chairman, both the House and the country will bear witness, that I have been placed in a somewhat extraordinary position during the present session of Congress. Hardly had I reached the capital, before I found myself held up, at the length of three or four columns, in the Democratic organ of this city, as a desperate Abolitionist. The Abolition papers, in reply, exhibited me at equal length, as, indeed, they had often done before, as a rank Pro-Slavery man. The honorable member from Tennessee, (Mr. ANDREW JOHNSON,) coming next to the onslaught, and doing me the favor to rehearse before my face a speech which he had delivered behind my back at the last session, arraigned me in the most ferocious terms as having prostituted the prerogatives of the Chair to sectional purposes, and as having framed all my committees in a manner and with a view to do injustice to the South. The honorable member from Ohio, (Mr. GIDDINGS,) following him, after a due delay, denounced me, with equal violence, as having packed the most important of those committees for the purpose of betraying the North. The one proclaimed me to be the very author and originator of the Wilmot proviso. The other reproached me as being a downright, or, at best, a disguised, enemy to that proviso. The one exclaimed, as the very climax of his condemnation, "I would sooner vote for JOSHUA R. GIDDINGS himself than for ROBERT C. WINTHROP." The other responded with an equally indignant emphasis, "and I would sooner vote for HOWELL COBB than for ROBERT C. WINTHROP—he cannot do worse, he may do better." Nay, I presume it is safe to say, that the honorable member is now of opinion that *he has done better*, since not only has the honorable member secured for himself a place on the Territorial Committee, but the report of the anti-slavery convention, at their late meeting in Boston, has remarked upon it as "a curious and instructive fact, that, in the composition of committees, Mr. COBB has given more weight to the

anti-slavery element of the House than was done by his northern predecessor." How far this is true, I leave others to pronounce.

But the honorable members from Tennessee and Ohio, (*par nobile fratrum !*) have not been the only contributors to this most amiable, consistent, and harmonious testimony in regard to my public conduct and character. An honorable colleague from Massachusetts (Mr. ALLEN) has cast in his mite, also, both by prompting others at his elbow, and by the manlier method of direct accusation. He, too, has charged me with having arranged certain committees, with the deliberate purpose of preventing the action which northern men demanded. And more recently, again, an honorable member from Virginia, (Mr. MORTON,) in a speech which, I take pleasure in saying, was characterized by entire courtesy, if not by entire justice, has told the House and his constituents that he voted against me as Speaker, because "he believed me to be in favor of the Wilmot proviso; because he believed me to be in favor of the abolition of slavery in the District of Columbia; and because my name was found in a minority of forty-five against the admission of Florida as a slave State."

Sir, if my name were a little less humble than I feel it this day to be—if I were not conscious how small a claim it has to be classed among the great names even of our own age and country, much more of the world, I should be tempted to console myself under these conflicting accusations with those noble lines of Milton—which, as it is, I cannot but remember:

> "Fame, if not double-faced, is double-tongued,
> And with contrary blast proclaims most deeds;
> On both his wings, one black, the other white,
> Bears greatest names in his wild aëry flight."

But indeed, Mr. Chairman, I need no consolation. These contradictory charges are the natural consequence of the very position which I have sought to occupy—of the very position which I glory this day in occupying—and from which no provocations and no reproaches can ever drive me.

Sir, when I was first a candidate for Congress, now some ten winters gone, I told the Abolitionists of my district, in reply to their interrogatories, that, while I agreed with them in most of their abstract principles, and was ready to carry them out, in any just, practicable, and constitutional manner; yet, if I were elected to this House, I should not regard it as any peculiar part of my duty to *agitate* the subject of slavery. I have adhered to that declaration. I have been no agitator. I have sympathized with no fanatics. I have defended the rights and interests and principles of the North, to the best of my ability, wherever and whenever I have found them assailed; but I have enlisted in no crusade upon the institutions of the South. I have eschewed and abhorred ultraism at both ends of the Union. "A plague o' both your houses," has been my constant ejaculation; and it is altogether natural, therefore, that both their houses should cry a plague on me! I would not have it otherwise. I dote on their dislike. I covet their opposition. I desire no other testimony to the general propriety of my own course than their reproaches. I thank my God that he has endowed me, if with no other gifts, with a spirit of moderation, which incapacitates me for giving satisfaction to ultraists anywhere and on any subject. If they were to speak well of me, I should be compelled to exclaim, like one of old, "what bad thing have I done, that such men praise me?"

The only thing which I have to regret, Mr. Chairman, is, that these va-

rious charges could not have been made against me in one and the same debate, and on one and the same day. They would then have effectually answered each other. They would then have fairly shamed each other out of Court, and I should have been spared the necessity of even this brief allusion to them.

But, sir, the list of my accusers is not yet complete. Another honorable member from Ohio, (Mr. Root,) has recently taken the field against me, and has seen fit to make, what, if it were entirely parliamentary, I should be constrained to call, some very impertinent allusions to my course in reference to a resolution of his, which was recently laid on the table. I was accidentally in the Senate chamber when his speech was delivered, but my attention has been called to it in a late number of the *Congressional Globe*.

Sir, when the honorable member first offered his resolution, some weeks since, I united with my friends of the free States in saving it from the fate which it then merited, and which it has since received. I thought it then a most premature and precipitate movement, and there are those near me who can bear witness, that notwithstanding my exalted sense of the honorable member's habitual wisdom and prudence, I could not repress the exclamation—

"Thus fools rush in, where angels fear to tread!"

I yielded, however, to the suggestions of those around me, that it might be as precipitate to lay it on the table at once, as it was to offer it; and that there would be no harm in taking time to consider it. A fortnight intervened, and I did consider it in all its bearings. And as the honorable member has been so plain and unceremonious with me, in ascribing motives and calling names, I shall be equally plain and unceremonious with him in telling him what I thought of his resolution.

I regarded it, Mr. Chairman, considering all the circumstances of Congress and of the country, as one of the most mischievous propositions ever introduced into this House. I regarded it as mischievous in its inevitable consequences, and as mischievous in its deliberate design. I came to the conclusion that the honorable member, for the sake of a little miserable notoriety, had wantonly put in peril the very cause of which he professed to be the peculiar champion—that for the sake of *playing captain*, and marching ahead of the music, he had been willing to take the risk of sacrificing the very fortress of which he assumed to be the defender. I believed, in one word, sir, that if that resolution were persevered in, in the existing condition of this House and of the country, all hope of practical legislation would be extinguished, the great measure of the admission of California, as a State, into this Union, would be impeded, obstructed, and finally defeated; and that the session would be one protracted scene of strife, confusion, and discord.

And why, then, sir, entertaining these views of the resolution, did I not vote upon the second motion to lay it on the table? For this is the part of my conduct which the honorable member has taken in such especial dudgeon, and which he has made the pretext for applying to me certain contumelious epithets.

Well, now, I do confess, Mr. Chairman, that I was a little malicious in withholding my vote on this particular occasion. It would have been so very gratifying to the honorable member, if he could have only had me once fairly

on the record, where he has never yet had me, against a resolution containing, as one of its elements, the Wilmot proviso! It would have furnished such an excellent apology for him and his friends for having voted against me as Speaker, and for having thrown the organization of this House into the hands of a Southern Democrat! It would have been such a telling free-soil card in the next canvass in the fourth district of Massachusetts, to say nothing of the twenty-first district, I think it is, of Ohio! Indeed, sir, it was certainly a little cruel to deprive the honorable member of an advantage upon which he had so confidently calculated.

But I believe it is Solomon who has said, "Surely in vain is the net spread in the sight of any bird." Sir, I saw the trap which the honorable member had laid for me. I knew that he and his peculiar friends were lying in wait for me. I knew they were seeking to find a justification, *after the event*, for an opposition to me for which they had so little apology beforehand. I saw that he had framed his resolution so that, whether we voted for or against it, we should be placed in a false position. If we voted not to lay it on the table, and seemingly sustained the resolution, we were to be held up as abandoning General Taylor and the Administration. If we voted to lay it on the table, we were to be denounced as enemies to the principles of the ordinance of '87. I understand that the honorable member said, in advance, that he would either have our votes or our *scalps*. I know not the precise meaning which is to be attached to this humane and elegant expression, if he really used it. It might be well, perhaps, to refer it for inquiry to the Committee on *Indian Affairs*. If he only intended, by this tomahawk threat, that he would deal a few stabs at my character behind my back, he is welcome to all the glory of the exploit. But whatever he meant, I did not intend that he should have either my vote or my scalp, if I could help it; and seeing that my vote would make no difference to the result, I declined to gratify his desire to ensnare me. And now, because the trap of the honorable member failed to work, in the only case in which it was of special importance for him that it should work, he flies into a passion, strips off his neck-cloth, and begins to scold about dodging and skulking!

Why, sir, the honorable gentleman forgets himself. Certainly his speech forgets itself; for, in the very same paragraph in which he upbraids me for my course in this case, he describes his own course in another case, as entirely identical with it. I would not ask a better justification from any one, than that which the honorable member himself has furnished me out of his own mouth. Hear what he says, sir, as to his own conduct at the late Presidential election:

"It was nothing more (says he) but a game at the best. I neither wanted to cheat nor to be cheated, and hence I took no part in it. *I stood out.*"

Does it not lie admirably in his mouth, to charge others with skulking, and to exclaim so heroically, "it is better to vote wrong than to dodge," when, in the very same breath, he is boasting that he skulked himself from the great Presidential struggle!

Nor is this the only instance of the same sort in the honorable member's history. What else but dodging was his conduct in the protracted contest for the Speakership? What did he do but throw away his vote to the end on an impossible candidate? What did the eight peculiar free soilers do, but pair off, four from each party, and, by neutralizing each other, virtually not

vote at all—virtually *dodge*, by refusing to vote so as to make any difference to the result? Sir, there are those here who believe, that the first great desertion of northern principles at this session has been exhibited by those who have thrown the organization of this House into the hands of a southern Democrat. Of that the honorable member stands convicted. And, my opinion is, that any one who considers the adroit and ingenious manner in which it was done, by seeming to vote and yet practically not voting at all—will come to the conclusion, that if the honorable member desires to see the true "*Artful Dodger*" of the day, he must look at home.

Nor is this all, Mr. Chairman. The honorable member has made a great vaunting of what he *would have done* on the last night of the last session, if the Walker amendment had been longer persisted in. The more important inquiry, sir, is, what did he do? Where was he during the weary watches of that memorable night? Where was he when the honorable member from Tennessee (Mr. ANDREW JOHNSON) moved to strike out the word "impartial" from the vote of thanks to the Chair? Who then was "willing to wound, but yet afraid to strike?" Where was he, too, when the honorable member from Kentucky (Mr. MOREHEAD) moved that most momentous amendment to the Walker proviso in regard to the rightful boundaries of Texas? His name is not on the record; and, though the proverb is somewhat musty, sir, I cannot help reminding the honorable member, that "those who live in glass houses should not throw stones."

But he tells us most pathetically, that the Wilmot proviso has been wounded in the house of its friends; nay, that so far as this House could kill it, it has been killed. Well, now, sir, this remains to be seen. Doubtless, the honorable member finds it for his purpose, at this moment, to think so, at least to say so. But it remains to be seen whether the great principles of the ordinance of '87 have lost any portion of their vitality; whether they have not as strong and living a hold on the hearts of other northern and western men as on that of the honorable member himself; and whether, on the proper occasion, if a real necessity or a reasonable demand for their assertion and maintenance should arise, they would not be asserted and be maintained by as large a majority in this body as they ever have been heretofore. I believe they would be.

But this I do say—that if these principles have been wounded and struck down; if it be true, that, by laying on the table an unseasonable resolution of the honorable member from Ohio, we have killed the Wilmot proviso—its death must lie forever at his door, and not at ours; and the true inscription on its tombstone will read thus: "Here lies a victim to the restless vanity and headstrong rashness of the honorable member from Ohio, who held it deliberately up to receive its deathblow, in order to gratify his passion for notoriety, and his pique against some of his old friends of the Whig party."

Why, sir, the conduct of the honorable member on this occasion was what a French philosopher has called "worse than a fault." It was a mistake—a fatal blunder. It was a moment of all others when the North should not have been called on to show its hand; when gentlemen from the free States should not have been required to say what they would do, or what they would not do, in regard to the Territories; and my only regret is, that the resolution could not have been suffered to go upon the table by southern votes only, with the mere silent assent of northern men. It was the

precise case for what the honorable member has called "standing out," and for the reservation of all expression of opinion or intention, until a real exigency for such an expression had occurred. And I repeat, sir, that if the northern force has been weakened, and the northern front broken, it is owing to the rash and precipitate charge which was attempted under the assumed and illegitimate lead of the honorable member from Ohio.

But there are some men, we are told, who are "wiser in their own conceit than seven men who can render a reason." The honorable member, and his little squad, insist upon regarding themselves as the only persons in the country, or, certainly, as the only persons in this House, who know how to defend northern rights, or how to vindicate the great principles of human freedom. Nay, sir, they modestly claim to be the only ones who desire, or who are even willing, to defend or vindicate them. All the world are *doughfaces* (as they elegantly style it) except themselves! They alone are loyal to human liberty! They are the only reliable defenders, or legitimate occupants, of the great free-soil field! Surely these are the men, and wisdom shall die with them!

I cannot listen, Mr. Chairman, to these arrogant assumptions and offensive pretensions, without calling to my aid the castigation which was administered by Edmund Burke, (not of the *Union*, sir,) to one of the petty cabals which infested Great Britain during the period of the French revolution, and which were attempting, as he said, "to hide their total want of consequence in bustle and noise, and puffing, and mutual quotation of each other." "Because half a dozen grasshoppers, (said he,) under a fern, make the field ring with their importunate chink, whilst thousands of great cattle, reposed beneath the shadow of the British Oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field; that, of course, they are many in number; or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome, insects of the hour."

For one, sir, I do not recognise the honorable member and his half a dozen compeers on this floor, as my file-leaders, or as my fuglemen, in this campaign. I do not belong to the "Root and branch party." I shall not march at the tap of their drum. I shall not vote against any *bona fide*, practical, and seasonable measure, simply because they originate it; but I give my constituents and the country notice, once for all, that they are not to judge of my sentiments upon the great questions of the day by any votes which I may give, or which I may not give, upon their amateur abstractions or their precipitate instructions. I shall vote for them, or vote against them, or not vote at all, just as it happens to suit my own views, and certainly not at all with a view to suit their purposes.

The honorable member, in the course of a speech in which he has misrepresented and assailed at least one-half of the northern members of this House, has told us that he is a member of "the *reviled* Free Soil sect." Good heavens, sir! if they are the reviled, who are the revilers, and what must they be? Never, in the whole history of our country—never, since the existence of political parties any where—has there been a party which, under the pretext of philanthropy, has so reveled and luxuriated in malice, hatred, and uncharitableness—in vituperation, calumny and slander—as this "*reviled* Free Soil sect." I speak of their principal leaders and organs, as I know them in my own part of the country, and not of the great mass

of their followers, there or elsewhere, who, I doubt not, are led along by honest impulses, and many of whom, I as little doubt, are disgusted with the music of their own trumpeters. Never, sir, I repeat, has there been witnessed in this country, or on the face of the globe, such an audacity of false statement and false accusation, as that with which some of their presses have teemed! Never have there been baser stabs at character than those with which some of their speeches have reeked!

I need not say that I have had my full share, and more than my full share, of their misrepresentation and abuse. I bear no special malice towards members of this House who deal with me in this style, because I know that, after all, they are but the instruments and mouth-pieces of others afar off. There is a little nest of vipers, sir, in my own immediate district and its vicinity, who have been *biting a file* for some three or four years past—and who, having fairly used up their own teeth, have evidently enlisted in their service the fresher fangs of some honorable members of this House. "*Odisse quem læderis.*" Conscious that they have wronged me, they now hate me; and having been thoroughly put down at home, they have turned prompters and panderers to assaults upon me here. Let them go on in their manly and magnanimous vocation. If they only succeed in doing themselves half as much injury as they do me good, they will speedily merit as much of my sympathy, as they now have of my scorn.

Sir, I have already had occasion, during the present session, to allude to one of the false statements which has been frequently made in regard to me, at home, and which has been repeated here by the honorable member from Ohio on my right, (Mr. GIDDINGS.) That honorable member's speech, I take occasion to say, as printed for the use of the fourth district in Massachusetts, is a mere tissue of perversion and misrepresentation, so far as my conduct is concerned. But the most that I can do, on this occasion, is to notice one of the charges which it contained, and in regard to which, it will be remembered, a direct issue was made up between us.

The honorable member seems to have thought it important to his justification among his constituents for his vote against me for Speaker two years ago, that he should implicate me in the origin of the late deplorable war with Mexico. He knew perfectly well that my mere vote for the bill, by which the existence of that war was recognised, and by which provision was made for the rescue of our little army on the Rio Grande, would not answer his purpose. He knew that, whether that vote were right or wrong, it was given in company with those who were altogether invulnerable to his malignant shafts. He knew that he could not strike at me, on this point, without striking also at CORWIN, and VINTON, and SCHENCK, of his own State, and MARSH and FOOTE, of Vermont, and I know not how many others, from the North and from the West, whose characters would be an ample shield against all who should attack them, and whom he would not, then at least, have dared to charge as supporters of the war. And so, sir, he sets himself to work to prove me an accessary before the fact, and charges me with having gone to a Whig caucus, before the war bill was introduced, and with having made an appeal to the Whigs, to vote in favor of a bill, in regard to the intended character of which I had no more knowledge than the man in the moon! Sir, I never heard of this Whig caucus, to the best of my knowledge and belief, until I saw this account of it in a letter of the honorable member to his constituents, eighteen months afterwards. And

difficult as it almost always is for any one to prove a negative, it is fortunately in my power, this day, to furnish such conclusive testimony that I attended no such meeting, and made no such speech, that even the honorable member himself will blush at ever having made the statement.

I have here a budget of letters, which I have rescued within a few days past from a forgotten pigeon-hole at home. They were procured two years ago, without my instigation, and almost without my knowledge, by the editor of the Boston *Atlas*, with a view to vindicate me from this calumny at the time it was originally uttered. I shall append some of them, if not all of them, to the pamphlet copy of this speech, if such a copy is ever published. I shall only have time to read one of them now.

Is the honorable member from Delaware in his seat? (Mr. HOUSTON rose and assented.) I have here a letter bearing his signature, dated Washington, April 1st, 1848, and addressed to William Schouler, Esq., Boston. I will thank him to tell me, after I have read it, whether it is his letter, and whether this be his testimony now, as it was two years ago, in relation to the allegation of the honorable member from Ohio:

The letter is as follows:

WASHINGTON, *April 1st*, 1848.

DEAR SIR: I have received your letter of the 30th ultimo, and in reply to it I have to state, that I remember very well the casual conversation which I had with you recently in Boston, "concerning a meeting of Whig members of Congress, held on the morning of the 11th of May, 1846," and I will briefly state, at your request, what I recollect in relation to the absence of the honorable Robert C. Winthrop on that occasion.

That meeting was held in consequence of the hostile collision which had just occurred on the Rio Grande, between a portion of our military forces and those of Mexico, and I perfectly recollect that I not only attended the meeting, but that I also made some remarks in it, the substance of which I still remember. The meeting was not full, many members of the House belonging to the Whig party being absent, and I distinctly recollect that the meeting adjourned without coming to any formal conclusion on the subject, in consequence of this fact, as was then mentioned, and understood by those present. I remember that Mr. Smith of Connecticut, Mr. Hudson of Massachusetts, and Mr. Giddings of Ohio, were present at the meeting, and appeared to me to be among the most prominent of the speakers in it; and I also remember that I had a few words of conversation with them after the meeting was over, and before we separated, upon the subject of some remarks which I had made in the meeting. I have a very distinct recollection that Mr. Winthrop was not present at the meeting, and of noting his absence, as well as that of Mr. Vinton of Ohio; and my reason, if any should be required to fortify my memory on this point, for observing this fact, is this: I had already come to regard these two gentlemen as among the most experienced and prominent members of our party in the House; and as one sat directly before me, and the other immediately on my right, during that session, in the House, it will not appear strange, I apprehend, when these two circumstances are taken together, that I should not only *note* but *remember* their absence on that occasion. Such is my distinct recollection, and without wishing to raise any question of memory between

myself and others on this or any other point, I have no hesitation in giving it to you in compliance with your request.

As to the meeting held some time previous, on the "Oregon question," as it is familiarly termed, I have to state, that it is impossible that I could have confounded it in my memory with the meeting first mentioned, as I did not attend that meeting, and knew nothing of its existence until a day or two after it had been held.

I am, very truly and respectfully, your obedient servant,

JOHN W. HOUSTON.

WM. SCHOULER, Esq.

Mr. HOUSTON. That is my letter, and I have no alteration to make in it.

Mr. WINTHROP. There are other letters here, sir, equally distinct and conclusive.

But the honorable member summons Mr. E. D. Culver, of New York, a late member of this House, to his aid, and insists that Mr. Culver has substantiated his charge. Sir, I think it is in Sheridan's play of the Rivals, that one of the characters is made to say—"Whenever I draw on my invention for a good current lie, I always forge endorsements as well as the bill." Now, I do not intend to apply the offensive part of this language to the honorable member. I disclaim doing so. Still less do I intend any reflection upon Mr. Culver. But I say that the letter of Mr. Culver does little or nothing to sustain the honorable member's accusation, and that he must procure stronger endorsements, if he expects his bill to pass current.

What says the Hon. E. D. CULVER, in the letter upon which the honorable member relies?

"In reply to your note of the 14th, (says he,) which came to hand last evening, I would state that I was at the Whig caucus, in the northeast corner of the Capitol, on the morning of the 11th of May, 1846. The subject of our deliberations was the anticipated War bill. I *think* Mr. WINTHROP, Mr. VINTON, Mr. HUNT, and yourself, and others were present and spoke. The precise sentiments advanced by Mr. WINTHROP I cannot call to mind; but the *purport*, the general *scope* of his remarks, was, that we (the Whigs) must not oppose the measure; that *policy* would require us to support it. I do not recollect his allusion to the Federalists and the war of 1812." (It seems that this impartial cross examiner had asked some leading questions.) "I think Mr. VINTON took a similar view. Yours was quite the reverse."

Now, sir, in answer to these *thinkings* and indistinct remembrances of what Mr. WINTHROP said, and what Mr. VINTON said, and what Mr. HUNT said, I have here a letter from Mr. VINTON, to say that he never attended that meeting, and here, within three feet of me, is Mr. VINTON himself, to acknowledge the letter, and to repeat the assertion! While here again, is another letter from the Hon. WASHINGTON HUNT, to say that he was absent from Washington on the morning on which the meeting was held, and did not return until the following day!

Mr. Chairman, the most charitable explanation that can be given of this extraordinary and unfounded allegation, which the honorable member from Ohio has so perseveringly brought against me, is that suggested in the letter of my late colleague and friend, Mr. HUDSON, who gives it as his opinion,

that the honorable member may have confounded this meeting with one which was held in regard to the Oregon notice resolution, when he was the open advocate of measures that looked to war, and I declared myself in favor of measures for the maintenance of peace!

But I leave the honorable member and his friends to find explanations for themselves. It is enough for me to pronounce the charge to be false, and to prove it to be so. Having done this, I now hold it up to the House and to the country, as a fair sample of the charges which have been arrayed against me from the same quarter. *Ex uno, disce omnes.*

Sir, I have done with these personalities. They have not been of my seeking. They are unnatural and revolting to my disposition. I am entirely new to this style of debate. During a ten years' occupancy of a seat in this House, I have never before had occasion to resort to it. I trust that I may never have another such occasion. But I could no longer submit in silence to such gross and groundless aspersions. Gentlemen may vote against me whenever they please. There is no office in the gift of the House, of the people, or of the President, which I covet, or for which I would quarrel with any one for not giving me his support. But no man shall slander me with impunity. No man shall pervert and misrepresent my words and acts, and falsify the record of my public career, without exposure.

That career has been one of humble pretension, and presents no claim of distinguished service of any sort. But such as it is, I am willing that it should be investigated. Examine the record. There may be votes upon it which require explanation; votes about which honest men may differ; votes as to which I myself may have doubted at the time, and may still doubt. But examine the record fairly and candidly; nothing extenuate, nor set down aught in malice; and you will find that I have neither been false to the North nor to the South, to the East nor to the West. You will find that, while I have been true to my constituents, I have been true, also, to the Constitution and to the Union. This, at least, I know, sir—my conscience this day bearing me witness—that I have been true to myself, to my own honest judgment, to my own clear convictions of right, of duty, and of patriotism. And we all remember how justly, as well as how nobly, it has been said:

> "This above all—to thine own self be true,
> And it must follow, as the night the day,
> Thou cans't not then be false to any man."

And now, Mr. Chairman, I would gladly turn to some serious consideration of the great questions of the day, but I am admonished that my hour is almost exhausted, and I must reserve what I had proposed to say on these topics for another, and I trust, an early opportunity. Having once swept this offensive rubbish of personalities out of my path, I shall no longer be obstructed in dealing with the weightier matters which are before us. I cannot conclude, however, on this occasion, without a few distinct declarations.

In the first place, sir, I have no hesitation in saying, that the admission of California into the Union as a State, under the constitution which she has herself adopted, is, in my judgment, the first and greatest measure to be accomplished at the present session of Congress. For that I am ready; and I shall bring to it whatever powers I possess.

In the second place, sir, I do not believe that slavery does now exist, or can ever exist, in any of the Territories recently acquired from Mexico, without the positive sanction of law. And such a sanction, I, for one, shall never aid in giving.

In the third place, sir, while I reserve to myself the full liberty to act and to vote upon every question which may hereafter arise, as my judgment at the time, and under the circumstances, may dictate; I have no hesitation in expressing my opinion, that the plan proposed by the President of the United States is the plan to which we must come at last, for the settlement of these exciting and difficult questions. I do not say that it is the plan of all others which some of us could have wished to carry out. But the question is not what we wish, but what can we accomplish. "If to do, were as easy as to know what it were good to do, chapels had been churches, and poor men's cottages rich men's palaces." We must aim at something practical and practicable. The President has done so; and, by following out his suggestions, I believe southern sensibilities may be allayed, northern principles satisfactorily vindicated, domestic peace maintained, and the American Union preserved.

And, Mr. Chairman, *the American Union must be preserved.* I speak for Faneuil Hall. Not for Faneuil Hall, occupied, as it sometimes has been, by an Anti-slavery or a Liberty party convention, denouncing the Constitution and Government under which we live, and breathing threatenings and slaughter against all who support them; but for Faneuil Hall, thronged as it has been so often in times past, and as it will be so often for a thousand generations in times to come, by as intelligent, honest, and patriotic a people as the sun ever shone upon; I speak for Faneuil Hall, and for the great masses of true-hearted American freemen, without distinction of party, who delight to dwell beneath its shadow, and to gather beneath its roof; I speak for Faneuil Hall, when I say, "the Union of these States must not, shall not, be dissolved!"

The honorable member from Ohio (Mr. GIDDINGS) alluded, the other day, in terms of reproach and condemnation, to a sentiment which I proposed at a public dinner, in this same Faneuil Hall, on the 4th of July, 1845. I am willing that the House and the country should pass judgment upon that sentiment. I am sorry that it is not better; but, such as it is, I reiterate it here to-day. I stand by it now and always. It is my living sentiment, and will be my dying sentiment:

"OUR COUNTRY—Whether bounded by the St. John's and the Sabine, or however otherwise bounded or described, and be the measurements more or less;—still our country, *to be cherished in all our hearts—to be defended by all our hands!*"

APPENDIX.

Letter from the Hon. Samuel F. Vinton.

WASHINGTON CITY, *April* 6, 1848.

WM. SCHOULER, Esq.:

DEAR SIR: I am in receipt of your note, requesting me to state whether there was a meeting of the Whig members of the House of Representatives on the morning of the day when the war with Mexico was declared? Whether Mr. Winthrop was there, and made a speech urging the whole Whig party to vote for the war; and whether I was there, and made a speech to the same purport?

I have no recollection of having been present at that meeting—and if I ever knew that such a meeting was held, the recollection of it has wholly faded away from my memory.

I am, very respectfully, your obedient servant,

SAML. F. VINTON.

Letter from the Hon. W. Hunt.

WASHINGTON, *April* 1, 1848.

DEAR SIR: I have received your letter of the 30th ult., with a copy of the Boston *Atlas* of 23d March.

The only answer I can make to your inquiries is to inform you that I was not in this city on the eleventh day of May, 1846. I left the Capitol late in April to visit my residence in New York, and did not return till the 12th of May, the day after the War bill passed the House.

Mr. Culver is mistaken in his impression that I was present at any meeting held on the day to which he refers.

Very respectfully, yours,

W. HUNT.

WM. SCHOULER, Esq., *Editor of the Atlas, Boston.*

Extract of a Letter from Hon. Charles Hudson.

WASHINGTON, *April* 1, 1848.

SIR: In relation to the meeting of the Whigs on the morning of the 11th, I will say to you, as I have said to Mr. Giddings in a full conversation with him on the subject, that I am satisfied that he confounds that meeting with another, which took place at another time and place, on another subject. The news of the conflict between our forces and those of Mexico came into this city on Saturday evening after the adjournment of the House. On Sunday evening some gentleman told me that it was thought desirable that the Whigs should have a meeting in the morning before the session of the House, as it was expected that the President would send in a war message. I went to the committee room in the morning, and found not more than a half a dozen there; we waited till near the hour of the meeting of the House before we called to order. The members came in slowly, not more than twenty or twenty-five being present at last. I think Mr. Winthrop was not present. But I am perfectly confident that he did not make a

speech urging the Whigs to vote for any war measure. I had strong convictions against the propriety of any such measure, and if one of my own colleagues had made such a speech as has been imputed to Mr. Winthrop, I am satisfied that I could not have forgotten it. Besides, boarding as I did with Messrs. Delano, Culver, Root, and King, all of whom voted as I did against the bill, the vote of Mr. Winthrop was a subject of very frequent and very free remark, and yet I never heard any allusion to such a speech, nor, indeed, to any speech of Mr. Winthrop made in caucus on the morning of the 11th May during that or the following session—the first intimation of such a speech coming to my knowledge since Mr. Winthrop was chosen Speaker. My impressions on this whole subject are the more distinct, because those who voted against the war were immediately assailed, and on the 14th of the same month I made a speech against the war, and in justification of my vote.

The Whig meeting on the morning of the 11th of May was in the room of the Committee on Foreign Affairs; but the meeting which I think Mr. Giddings confounds with this was held in the evening in the committee room on Public Lands in another part of the Capitol. At the last named meeting Mr. Winthrop, Mr. Vinton, Mr. Giddings, and, I think, Mr. Hunt spoke; but this meeting was some time in the winter, and the subject was the Oregon notice, which had been recommended by the President in his message. In conversation with Mr. Giddings this winter, we both recollected this meeting so well as to be able to point out to each other the position in the room where the speakers respectively stood when they addressed the meeting, and agreed as to the speakers, but differed in our recollections as to the subject under consideration. At this Oregon meeting there was a marked difference of opinion between Mr. Winthrop and Mr. Giddings, and some little warmth was manifested in the debate—Mr. Winthrop being opposed to giving the notice, and Mr. Giddings taking the opposite view of the question, according to my recollection.

I am, respectfully, your obedient servant,

CHARLES HUDSON.

Colonel WILLIAM SCHOULER, *Editor of the Atlas.*

Extract of a Letter from Hon. J. Grinnell.

WASHINGTON, *April* 1, 1848.

I have to state that I have no recollection of any meeting of the Whigs on the morning of the 11th of May, 1846. I never heard of any until the present session of this Congress. I do not believe that Mr. Winthrop attended any such meeting, for the reason that I am under a strong impression—I may say, that I have as clear a recollection of the fact as of almost any that occurred on that memorable day—that Mr. Winthrop did not leave Mrs. Whitwell's that morning until we left together, near the hour of the meeting of the House, and that we went to the House together, and it was called to order about the time we entered. I may add, there was a very free and full discussion of our votes on this bill for some weeks after, at Mrs. Whitwell's, and that I never heard of Mr. Winthrop's attending any caucus of the Whigs on the day war was declared, or making a speech urging the Whigs to go for the war.